

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-26795 of 2016

Date of Decision: 20.10.2016

Tosha

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Sunny Bhardwaj, Advocate
for the petitioner.

Mr. Vishal Garg, Addl.A.G., Haryana.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.51 dated 22.2.2016 under Sections 147, 149, 436, 427, 395 and 450 IPC registered at Police Station Tosham, District Bhiwani.

Learned counsel for the petitioner contends that the petitioner is in custody since 5.3.2016 and challan in the case has been presented. No injury has been attributed to the petitioner and it is only on account of business rivalry with the complainant, the petitioner has been involved in the present case. He submits that since trial in the case will take long time, petitioner be released on bail.

Learned State counsel has filed reply by way of affidavit of Vijay Pal, HPS, DSP, Siwani alongwith photographs, which is taken on record. Learned State counsel submits that the petitioner was present at the scene of occurrence despite there being curfew and on the basis of photographs attached with the reply, the identity of the petitioner can be established. He further states that the complainant Vinod Kumar owned a Hero Motor Cycle Agency at Surender Chowk, Tosham and was ARD of the said agency. He had applied for S.SP of the said agency, but accused Sandeep son of Balbir Singh, resident of Vidyanagar, Bhiwani, who is owner of Jaya Automobiles, was annoyed with him due to this, as he wanted to open his own agency. Therefore, accused Sandeep and his friends after breaking the shutter of the agency of the complainant, set the same on fire and the petitioner was noticed as one of the accused persons who participated in the offence.

I have heard learned counsel for the parties.

There is no dispute that public property was burnt and huge losses were caused to the State Government as well as to private individuals, but taking into consideration the fact that the petitioner is in custody since 5.3.2016, the identity of the petitioner on the basis of the photographs, as attached with the reply, is yet to be established during trial, coupled with the fact that challan in the case has been presented and trial will take sufficiently long time, I deem it appropriate to release the petitioner on regular bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to furnishing of his bail bonds/surety bonds to the satisfaction of the trial Court.

The petitioner shall also submit an affidavit that in future, he shall not indulge in any such type of offence/activities and shall not influence prosecution witnesses and shall not hamper the proceedings or tamper with the record in any manner. The said affidavit be filed within one week after his release on bail, failing which his bail bonds shall stand cancelled.

Needless to say that the observations made hereinabove shall not be construed as any expression on the merits of the case.

October 20, 2016
AK

(**HARI PAL VERMA**)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No