

CRM-M-29573-2017 (O&M)
Date of decision: 27.10.2017

Ved Parkash @ Beda

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Rajeev Sharma, Advocate for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

This is a petition under Section 439 Cr. P.C. for grant of regular bail to the petitioner in case FIR No. 173 dated 26.12.2015, registered under Sections 21, 22-C, 61, 85 of NDPS Act, at Police Station Odhan, District Sirsa.

Learned counsel for the petitioner submits that the petitioner is in judicial lock up since 27.12.2015. It is further submitted that the co-accused of the petitioner, namely, Gobind Ram @ Mantri has already been granted concession of bail, vide order dated 18.05.2016 passed in CRM-M-13141 of 2016. He further submits that the other co-accused Brij Lal @ Vijay has also been granted regular bail, vide order dated 15.09.2017 passed in CRM-M-31118 of 2017 by passing following order:-

“ Learned counsel for the petitioner submits that petitioner has in fact filed criminal complaint against one ASI Atma Ram and Kashmiri Lal, Sub Inspector, P.S. Odhan. The Sub Divisional Judicial Magistrate Dabwali, District Sirsa summoned the above said police officials vide order dated 16.4.2015 (Annexure P-2). Thereafter, petitioner has solemnized marriage with one Navjot Kaur on 13.8.2015 against the wishes of her parents and was granted protection by learned Sessions Judge, Sirsa vide order dated 13.8.2015.

He further submits that on that account, parents of wife are also against the petitioner and in connivance with the police officials of same police station, i.e. P.S. Odhan has involved the petitioner in a false case.

Learned counsel for the petitioner further submits that petitioner is in judicial custody since 26.1.2016 and has already been acquitted in two other cases. He further submits that there is no one at his home to look after his wife and his minor child.

It is further submitted that prosecution evidence is going on and it will take long time in conclusion of the trial as the petitioner is in judicial custody for the last about 1-1/2 years.

Learned State counsel, on instructions from ASI Jai Singh, does not dispute the factual position but has opposed the grant of bail on the ground that in case the petitioner is released on bail, he may try to involve in such activities again.

Without commenting upon merits of the case, present petition is allowed. Petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Sirsa. ”

On the other hand, learned State counsel, on instructions from ASI Jagdish Kumar, has opposed the bail on the ground that in case, the petitioner is released on bail, he may involve in similar other activities.

In reply, learned counsel for the petitioner submits that except the present FIR, the petitioner is not involved in any other FIR.

Considering the fact that the petitioner is in judicial custody since 27.12.2015 and the conclusion of the trial will take long time and, moreover, co-accused of the petitioner have already been granted

concession of regular bail, without commenting on the merits of the case, the petition is allowed. The petitioner is directed to be released on bail on his furnishing bail bonds/surety to the satisfaction of CJM/Duty Magistrate, Sirsa.

However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case or found misusing concession of bail.

(ARVIND SINGH SANGWAN)
JUDGE

27.10.2017
Hemlata

Whether speaking/reasoned	Yes / No
Whether reportable	Yes / No