

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M No.24890 of 2018

Date of decision : 02.08.2018

Rohit Kumar

.....Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. Jagjeet Beniwal, Advocate for the petitioner.

Mr. Ashish Sanghi, D.A.G., Haryana.

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DAYA CHAUDHARY, J. (Oral)

Petitioner Rohit Kumar has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to him in case FIR No.327 dated 11.12.2017 under Sections 420, 467, 468, 471, 120-B of the Indian Penal Code, 1860 (for short – 'IPC') registered at Police Station – Civil Lines, Bhiwani.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case, whereas no offence is made out against him. The dispute is between the son of the complainant Vikram and co-accused Arun that the vehicles were taken by Arun on the basis of agreement between them. The possession of the vehicles was handed over by Vikram to Arun. The son of complainant Vikram along with some other persons forcibly took away the vehicles and FIR was also registered in this

regard by the co-accused against Vikram and one Satender under Section 379-A IPC. In that case, Vikram and Satender were arrested and subsequently, they were released on bail. Learned counsel submits that present FIR is only the counter-blast of said FIR, whereas petitioner has no connection with the alleged offence as he never prepared any permit. Learned counsel further submits that there was no necessity to prepare any permit when the original permit was there. Said permit has not been recovered from the petitioner. The petitioner was arrested on 07.05.2018 and since then he is behind the bars. Learned counsel also submits that co-accused namely Arun has been released on anticipatory bail by the lower Court vide order dated 23.05.2018. At the end, learned counsel for the petitioner submits that the alleged fake permit has not been used before any authority and no loss has been caused to any person including the government authority. The petitioner has been shown to have prepared the permit on asking of Arun, who can be the beneficiary and said Arun is already on bail. Learned counsel also submits that offences are triable by Magistrate and he is ready to abide by all the terms and conditions to be imposed by this Court and by the trial Court.

Learned State counsel has not disputed the submissions made by learned counsel for the petitioner with regard to period of custody and the allegations.

Heard arguments of learned counsel for the petitioner as well as learned State counsel.

By considering the submissions made by learned counsel for

the parties and keeping in view the fact that the offence is triable by Magistrate, investigation has been completed, co-accused Arun has been released on anticipatory bail, the petitioner is in custody since 07.05.2018 and trial may take sometime to conclude, no purpose would be served by keeping the petitioner in custody and as such, the present petition is allowed and the petitioner is directed to be released on regular bail to the satisfaction of the trial Court.

02.08.2018

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No