

212 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-6354-2019 (O&M)

Date of decision:26.02.2019

Rinku Pal alias Devi Lal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Sanpreet Sandhu, Advocate
for the petitioner.

Mr. Vikas Malik, DAG, Haryana.

RAJBIR SEHRAWAT, J. (ORAL)

Prayer in this petition filed under Section 439 of Cr.P.C. is for grant of bail pending trial in case FIR No.32 dated 29.06.2018 under Sections 395, 397 of IPC and Sections 147 & 152 of Indian Railway Act (Sections 34 and 380 of IPC are deleted in the FIR), registered at Police Station G.R.P. Jagadhri, District Yamuna Nagar.

Learned counsel for the petitioner submits that the petitioner is not named in the FIR. As per the allegation, 5-6 persons had entered the passenger Coach A-2 of the train on 29.06.2018 and snatched valuable items and jewellery etc. from the passengers. It is submitted by the counsel that admittedly, no one was arrested from the spot. There is no identification parade conducted by the police and hence, there would not have been any reason or occasion for the police to arrest the petitioner. Thereafter, the petitioner was arrested, the recovery alleged from the petitioner has been concocted. Otherwise also, the petitioner is in custody since 01.07.2018. The challan has already been filed and the prosecution evidence is going on. Hence, the petitioner is not required for

any investigation purposes. Learned counsel for the petitioner has also submitted that there is no other case against the petitioner. The trial shall take long time.

On the other hand, learned State counsel, being instructed by SI Bhodha Singh, submits that the petitioner is involved in the heinous crime looting of the passengers. Recoveries have been effected from the petitioner. However, it is not denied that challan has already been filed in the case, the petitioner is in custody since 01.07.2018 and that there is no other case against the petitioner.

In view the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)
JUDGE

26.02.2019
Hemlata

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