

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

**CRM-M No.25217 of 2019**  
**DATE OF DECISION : 4<sup>th</sup> SEPTEMBER, 2019**

**Jasbir @ Boda**

**.... Petitioner**

**Versus**

**State of Haryana**

**.... Respondent**

**CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT**

\* \* \* \*

Present :     Ms. Nupur Chaudhary, Advocate for  
                  Mr. Vinay Kuhar, Advocate for the petitioner.  
                  Mr. M. D. Sharma, Assistant Advocate General, Haryana.

\* \* \* \*

**RAJBIR SEHRAWAT, J. (Oral)**

The present petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of bail pending trial in case FIR No.334 dated 20.07.2018 registered under Sections 419, 420, 467, 468, 471 & 120-B IPC and Section 61 of the Punjab Excise Act at Police Station Kharkhoda, District Sonapat.

Counsel for the petitioner contended that the case against the petitioner is totally concocted. It is further contended that even the premises, from where the alleged recovery is stated to have been effected, belongs to some other person and that person has been granted anticipatory bail by this court. It is further submitted that now the police have even made that person as a witness, instead of being an accused. This has been so done by the police on the basis of some alleged rent deed qua that premises; executed in favour of the petitioner. However, the petitioner has not taken any such premises on rent, nor has the petitioner ever actually occupied the said premises. In fact, the case has

been diverted towards the petitioner only to make an attempt to save the accused, who is the owner of the said premises. It is further contended that the petitioner is in custody since 20.02.2019. The challan has already been filed. Therefore, the petitioner is not required for any investigation purposes. Hence, the petitioner deserves to be released on bail.

On the other hand, learned counsel for the State, being instructed by ASI Sanjay Kumar, submits that there is a document in the form of rent deed, which shows that the premises in question was given on rent to the petitioner. It is further submitted that there is one more case, of similar nature, against the petitioner. However, it is not disputed that the petitioner is in custody since 20.02.2019, that the challan has already been filed against the petitioner and that there is no documentary or other admissible evidence on record to show that the petitioner ever actually occupied the said premises.

Responding to the argument of counsel for the State, the counsel for the petitioner submits that so far as the other case, referred to by counsel for the State, is concerned, the petitioner has already been released on bail by the court in that case. As of today, the petitioner is not in custody in any other case; except the present one.

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.

**4<sup>TH</sup> SEPTEMBER, 2019**  
'raj'

**(RAJBIR SEHRAWAT)**  
**JUDGE**

|                                   |            |           |
|-----------------------------------|------------|-----------|
| <i>Whether speaking/reasoned:</i> | <i>Yes</i> | <i>No</i> |
| <i>Whether Reportable:</i>        | <i>Yes</i> | <i>No</i> |