

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

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CRM-M-43477 of 2019

Date of decision:15.10.2019

Hemant Kumar

... Petitioner

versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr.Rajneesh Chadwal, Advocate,
for the petitioner

...

AMOL RATTAN SINGH, J. (Oral)

This is the second petition filed by the petitioner seeking the concession of anticipatory bail, upon FIR no.310 having been registered against him and his co-accused on 24.6.2018 at Police Station Dharuhera, District Rewari, alleging therein the commission of offences punishable under Sections 420/120-B of the IPC.

The contents of the FIR are to the effect that upon a raid conducted on a petrol pump, it was found that 'pollution control certificates' were being issued to 'the public' without any inspection and with no licence also available with the persons issuing such certificates, to so issue them.

The petitioner having earlier approached this Court vide CRM-M-28687 of 2019, he had been admitted to interim bail on 12.7.2019 with the contention at that stage being that he had been named as an accused only on the second disclosure statement of a co-accused, Santosh Kumar, about one year after the FIR was registered.

Thereafter, with this court having directed the Superintendent

of Police, Rewari, to file an affidavit after going into the matter as to the investigation carried out, including with regard to the involvement of any person from whose filling station the petitioner/his co-accused were operating, such affidavit was filed, in which it was stated that it was actually the petitioner, Hemant Kumar, who along with his co-accused, Santosh Kumar, had approached the Manager of the petrol pump for opening a Pollution Checking Centre.

In view of that stand taken by the investigating agency, the aforesaid petition seeking anticipatory bail for the petitioner had been dismissed on 16.9.2019, with the interim order vacated.

Today, learned counsel for the petitioner submits that in an identical case concerning another petrol pump within the vicinity of the petrol pump from which the petitioner is alleged to have been operating (through/with Santosh Kumar), anticipatory bail was granted to the accused therein, i.e. one Jagdish Kumar, who had approached this Court vide CRM-M-29008 of 2018, such interim bail having been granted to him on 12.7.2018 with that order made absolute on 8.10.2018, on the learned State counsel in that case having made a statement that the said person, i.e. Jagdish Kumar, had joined investigation and was cooperating.

Having considered the above also, this Court (this Bench) already having taken a view that the petitioner does not deserve the concession of anticipatory bail, I see no reason to change that opinion simply because in similar circumstances, in another case/FIR, another person was granted bail by a coordinate Bench.

Dismissed.

However, nothing observed herein above shall be taken to be a comment on the merits of the case of the petitioner, but only in the context of the petitioner seeking anticipatory bail.

15.10.2019
pk

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No