

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

105

Criminal Misc. No. M-11433 of 2020(O&M)
Date of Decision: 15.05.2020

Iqbal @ Bhalla

... Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Saleem Ahmed, Advocate,
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

ANIL KSHETARPAL, J.

Present petition has been filed by the petitioner, namely Iqbal @ Bhalla, under Section 439 Cr.P.C. for grant of regular bail in FIR No. 0170 dated 21.05.2019 registered under Sections 379B/420 IPC and Section 25 of the Arms Act, 1959, Sections 395/397/120-B IPC(added later on) and Sections 420/379B IPC (deleted) at Police Station, Bhondsi, District Gurugram.

The allegations in the FIR have been extracted by the learned Additional Sessions Judge, Gurugram, in para No. 2 of the order, which are as under:-

“2. Bereft of unnecessary details, the facts of the case of the prosecution are that the present FIR was registered on the application moved by complainant Santosh that he had seen an advertisement for sale of a vehicle no. MH-06-BM-4706 on OLX and being interested in purchasing that vehicle, he was talking to the person who had posted the advertisement. The sale was confirmed for a price of Rs. 4,51,000/-. In order to purchase the vehicle, he had come to Gurugram. The

seller had sent two boys in vehicle no. HR-74-A-5522 in order to call the complainant. When they reached about 20-25 KMS ahead of Gurugram, they stopped the car in some fields and three persons had met them. These persons pointed a pistol on the complainant and took Rs. 3 lacs from him and left him abandoned. The accused persons had snatched the mobile phone and watch of the companion of the complainant. Thereafter they went to the police station on foot and informed the police. On the basis of said complaint FIR was registered and during investigation, site plan of the place of occurrence was prepared. The accused was arrested on 21.09.2019 and his disclosure statement was recorded. In pursuance of his disclosure statement, the accused got recovered Rs. 6000/- from his possession. He was confined to judicial lock up. Hence, the bail application of the accused has been filed.”

Hearing of the case was held through video conferencing on account of lock-down.

Learned counsel for the petitioner contends that the petitioner is in custody since 21.09.2019 and the prosecution is alleged to have recovered Rs.6,000/- from the house of maternal uncle of the petitioner. He further submits that the petitioner was arrested after a period of 4 months on the basis of secret information. He submits that neither the vehicle has been recovered nor other accused have been arrested. He further submits that the petitioner filed an application for carrying out test identification parade but first informant did not come forward.

Per-contra, learned State counsel has submitted that it is the petitioner who had called the first informant and had taken him to a lonely place. He further submits that three accused are still absconding. He further submits that as per his information, first informant could not come forward for participation in test identification parade due to his inability to walk on account of some subsequent incident.

This court has considered the submissions.

It is not disputed that the petitioner is in custody for more than 7 months. It is not disputed that as per the investigation carried out till date, only Rs.6,000/- is alleged to have been recovered from the petitioner.

Learned State counsel has also informed that the petitioner is not involved in any other case.

Without commenting on the merits of the case and keeping in view the fact that the petitioner is in custody for more than 7 months and the trial of the case is likely to take long time, the petitioner is directed to be released on regular bail subject to furnishing of adequate surety to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

Accordingly the petition is allowed with the aforesaid directions.

(ANIL KSHETARPAL)
JUDGE

May 15, 2020

“nt”

Whether speaking/reasoned :Yes/No

Whether reportable : Yes/No