

IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH
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CRM-M-12813-2020 &
CRM-11051-2020
Date of decision: 22.05.2020

ASHOK ALIAS BILLU

...PETITIONER

V/S

STATE OF HARYANA

..RESPONDENT

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Sharad Choudhary, Advocate,
for the petitioner.

Mr. Apoorv Garg, Deputy Advocate General, Haryana,
for the State.

AUGUSTINE GEORGE MASIH, J.
CRM-11051-2020

C.M. is allowed subject to just exceptions. Filing of Court fee,
Welfare Court as well as process fee is exempted.

CRM-M-12813-2020

Prayer in this application is for grant of regular bail to the
applicant-petitioner on the ground that he has not been named in the FIR
and it is on the basis of the statements of the witnesses recorded under
Sections 161 and 164 Cr. P.C. that his name has cropped up.

Counsel for the petitioner asserts that the other co-accused,
who have been named in the FIR and the Government officials, have been
granted bail by this Court. Reference in this regard has been made to the
orders passed by this Court in CRM-M-12198 of 2020 titled as Manish
Madan vs.State of Haryana, CRM-M-1182 of 2020 titled as Ravinder
Kumar @ Kala vs. State of Haryana, CRM-M-7321 of 2020 titled as

Surender Rathi vs. State of Haryana and CRM-M-9301 of 2020 titled as Amit vs. State of Haryana and CRM-M-12211 of 2020 titled as Suresh Kumar vs. State of Haryana (Annexure P-2 Colly.). He states that the trial is not likely to conclude early and the petitioner is in custody since December, 2019. Prayer has, thus, been made for the grant of regular bail.

Counsel for the State, on the other hand, contends that the petitioner although may not have been named in the FIR but the registers and other receipts along with the details of the numbers of various vehicles have been recovered from the petitioner. This clearly shows the involvement of the petitioner. The charge has yet not been framed against him as the investigation against the other Government officials is in progress. He is likely to interfere in the investigation and, therefore, the concession of bail be not granted to him. Prayer has, thus, been made for rejection of the application.

I have considered the submissions made by the counsel for the parties and with their assistance, have gone through the case file.

The fact is that the petitioner is not named in the FIR and his name figures in the statements of the witnesses, which have been recorded under Sections 161 and 164 Cr. P.C. It is true that the recovery has been effected from the petitioner and, therefore, no further recovery is to be effected from him. The main accused, whose names figure in the FIR, have been granted bail by this Court, reference whereof has been made in the statement of the counsel for the petitioner which is supported by the orders passed by this Court placed on record as Annexure P-2 (Colly.).

Keeping in view the above facts as also keeping in view the present peculiar situation where because of the pandemic, the accused are

being granted bail where no serious allegations have been found and the trial is not likely to conclude soon, the present application is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Rohtak.

Any observation made sherein above shall have no bearing on the merits of the case during trial in any manner.

May 22, 2020
pj

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No