

S.No.211

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

CRM-M-16056 of 2020 (O&M)

Date of Decision:23.07.2020

Rinku and another

.....Petitioners

Vs.

State of Haryana

.....Respondent

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IN VIRTUAL COURT

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CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Sarfraj Hussain, Advocate for the petitioners.

Rajbir Sehrawat, J.(Oral)

CRM No.14061 of 2020

Application is allowed as prayed for.

CRM No.17211 of 2020

Application is allowed. The amended petition is taken on record.

CRM-M-16056 of 2020

The present petition has been filed by the petitioners under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.554 dated 17.11.2019 registered under Sections 379, 216, 420, 467, 468, 471, 120-B IPC at Police Station Sector-5, Gurugram.

It is contended by counsel for the petitioners that the case against the petitioners is totally concocted. In fact, the petitioners were

working on a photostat shop belonging to one Bhagwan Singh. The petitioners were deputed for operating the photostat machine. They had done only that work at the shop. The petitioners did not even know the other accused. Therefore, there is no question of the petitioners being in conspiracy with the other accused for the purpose of fabrication of the documents. Otherwise also, there is no recovery from the petitioners as such. The alleged recoveries are from the shop belonging to Bhagwan Singh. However, said Bhagwan Singh has not even been made an accused in this case. There is no other case against the petitioners. The petitioners are in custody since 29.02.2020. The challan has already been filed. Therefore, the petitioners are not required for the investigation purposes.

Notice of motion.

Mr. Amit Aggarwal, DAG, Haryana, accepts notice on behalf of the State.

Learned State Counsel, being instructed by SI Sushil Kumar, submits that the petitioners were actively participating in the fabrication of the documents so as to facilitate the trade of stolen vehicles. The forged Adhaar Card, Driving Licence, Laptop and the Colour Printer have been recovered from the petitioners. This shows their complicity in the crime. However, it is not disputed that the recovery was effected from the shop where the petitioners were working and not from particular possession of the petitioners. It is also not disputed that the petitioners are in custody since 29.02.2020 and that the challan has already been filed.

In view of the above, but without commenting upon merits of

the case, the present petition is allowed. It is ordered that the petitioners be released on bail on their furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

July 23, 2020
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No