

CRM-M-16816-2020

Date of Decision :31.07.2020

Suresh @ Kala

....Petitioner

Versus

State of Haryana

....Respondents

Coram : Hon'ble Mr. Justice B.S. Walia

Present: Mr.GurmandeepSullar, Advocate for
Mr. S.S. Dinarpur, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to the outbreak of Covid-19pandemic.
2. Learned counsel contends that the petitioner has been implicated in a false case solely on the basis of disclosure statement of one Shubham @ Bigni and that apart from the said disclosure statement, there is no other material to connect the petitioner with the incident, in question.
3. Learned counsel for the petitioner contends that one Surinder Singh submitted an application on 26.05.2019 to the police that at around 8.30 p.m. when he was on way from Hansi towards Barwala in his Maruti Car bearing registration No.HR-20U-2819 and reached under construction bridge near Bhatla, he slowed down his car whereupon two motorcycles came from behind and by breaking the window glasses of both sides of his car, snatched the vehicle from him and fled along with his phone. Thereupon, FIR under Section 379 IPC was registered but during courseof investigation, Section 379 IPC was deleted and instead offence underSections 392, 394, IPC

were added. The stolen car which was in police custody in FIR No.78, dated 28.05.2019 registered under Sections 392, 323, 411 and 34 IPC at Police Station Bagora, District Jalore, Rajasthan was got transferred in the present case. During investigation, in FIR No.125 dated 13.05.2019 under Sections 394, 397 IPC read with Section 25 of the Arms Act, registered at Police Station Uklana, District Hisar, co-accused Shubham @ Bigni and Virender @ Binder made a disclosure statement, implicating the petitioner. They were arrested and during the course of investigation, offence under Section 25 of the Arms Act was also added in the present case, whereupon accused petitioner Suresh son of Dalip, was arrested on 11.01.2020 and offence under Sections 392, 34 IPC was deleted and Sections 395 and 397 IPC were added. Thereafter, accused Sachin @ Billa was arrested 06.03.2020. Challan has been filed in the Court on 04.04.2020, whereas one co-accused namely Bajrang son of Ramphal is yet to be arrested.

4. Learned State Counsel contends that the petitioner is involved in another case in FIR No.78, dated 28.05.2019 registered under Sections 392, 323, 411 and 34 IPC at Police Station Bagoda, District Jalore, Rajasthan, as also under Section 302 IPC, therefore, the petitioner is not entitled to be released on regular bail.

5. *Per contra*, learned counsel for the petitioner contends that apart from the disclosure statement, there is no other material to connect the accused with the commission of offence. Although, challan has been presented yet 31 prosecution witnesses are yet to be examined. Therefore, long period of time would be taken in conclusion of the trial and that no useful purpose would be

served by keeping the petitioner in custody due to the prevailing circumstances of the corona virus pandemic.

6. Without commenting upon the merits of the case and taking into account the prevailing circumstances on account of corona virus pandemic as also that 31 prosecution witnesses are yet to be examined and the petitioner is on bail in other cases registered against him, the present application for regular bail is **allowed**. The petitioner be released on regular bail on his furnishing bail bonds and surety to the satisfaction of the learned trial Court/Duty Magistrate provided he is not required in any other case. However, it is made clear that in case of involvement of the petitioner in any fresh case or attempt by the petitioner to intimidate the complainant / other witnesses or to influence complainant / other witnesses in any manner, it would be open to the prosecution to move an application for cancellation of bail. The petitioner shall also file an undertaking before the Police Station concerned, where the FIR stands registered that he would not indulge in commission of any other offence. However, nothing stated hereinabove would be taken to be an expression of opinion on the merits of the case.

(B.S. Walia)
Judge

July 31, 2020
'Rajneesh-Amit'

Whether speaking/ reasoned	:	Yes/No
Whether reportable	:	Yes/No