

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

CRM-M-17227-2020 (O&M)

Date of decision : 30.09.2020

Pawan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sunny Namdev, Advocate for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

ANIL KSHETARPAL, J. (ORAL)

The petitioner prays for bail pending trial in a criminal case arising from FIR No.89, dated 15.04.2019, registered under Section 395/342/366/34 of the Indian Penal Code, 1860, later on converted to Section 365 of Indian Penal Code, 1860, in challan at Police Station Siwani, District Bhiwani.

At the outset, learned counsel for the petitioner has brought to the notice of the Court that the offence under Section 366 has been deleted whereas offence under Section 365 has been added.

The petitioner is in custody since 30.04.2019.

As per the case of the prosecution, 4/5 persons including the petitioner got stopped a truck loaded with mustard seeds and confined the driver, who was let off after some time. It is alleged that 550 bags of mustard seeds have been looted.

Learned counsel for the petitioner contends that the petitioner is

not named in the FIR. He further contends that no test identification parade was held. He further contends that the the petitioner is being falsely implicated as the petitioner was previously also involved in FIR No.545 dated 05.06.2017 in which he has been acquitted. He further pointed out that after the registration of this FIR, the petitioner has also been named as an accused in FIR No.226 of 2019.

On the other hand, Sh. Chetan Sharma, AAG, Haryana, has pointed out that on the disclosure statement of the petitioner, two bags of *mustard* seeds with cash of 1,50,000/- has been recovered. He further contends that the petitioner is a habitual offender.

On a Court question, he has admitted that the petitioner stands acquitted in FIR No.545 vide judgment dated 14.11.2017 by Chief Judicial Magistrate, Hisar.

The petitioner is in custody for one year and five months.

Without commenting on the merits of the case and keeping in view the period of detention, the petitioner is directed to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

Accordingly, the present petition is allowed.

30.09.2020

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- **Yes/No**

Whether reportable:- **Yes/No**