

**(Proceedings conducted through video conferencing on
account of Covid-19 Pandemic)**

CRM-M-17374-2020

DATE OF DECISION: 20.07.2020

SANDEEP

... PETITIONER

VS.

STATE OF HARYANA

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr.Tajender K. Joshi , Advocate, for the petitioner.

Mr. Nikhil Chopra, Additional Advocate General, Haryana.

VIVEK PURI, J.(ORAL)

Briefly, FIR No. 358 dated 01.09.2016, Police Station Sadar Hansi, District Hisar, has been registered on the basis of the statement of Jagdish Chander and the petitioner has been charged under Sections 341 and 395 IPC by the learned Additional Sessions Judge. It is alleged that Raj Kumar was working as Driver on his Truck bearing registration No. HR-39A-7118 and on 28.08.2016, he loaded the scrap from Sonipat and was proceeding to Hisar. At about 09/9:30 P.M., he reached Hansi bye-pass and six persons came in a car and stopped truck by parking the car in the front. Four persons alighted from the car and boarded the truck and threatened the driver, who was put in a car. Two persons took the truck and four persons took the driver in the car to Sampla bye-pass and, thereafter, the driver was dropped. The battery of mobile phone was taken out and the phone was returned. The assailants took away the battery alongwith the truck carrying the scrap of stainless steel.

It has been contended by the learned counsel for the petitioner that it is a case of no injury and even no weapon was used. Moreover, the

petitioner has not been named in the FIR and the co-accused, namely, Kapil, Vijay and Baljeet, have been granted regular bail the Court of learned Additional Sessions Judge, Hisar. He further submits that the arrest of the petitioner was initially effected on 10.09.2016 and was granted bail by the Court of learned Judicial Magistrate 1st Class, vide order dated 14.10.2016. Subsequently, his arrest was again effected on 11.01.2017.

Short reply by way of affidavit of Deputy Superintendent of Police, Law and Order Hansi, District Hansi, on behalf of respondent-State has been placed on record, wherein, it has been specifically stated that the arrest of the petitioner effected on 11.01.2017 was not in accordance with law, as he was already arrested on 10.09.2016. The Investigating Officer had committed a mistake in re-arresting the petitioner and disciplinary action shall be initiated against him after due inquiry.

It was also pointed out on the last date of hearing that two cases i.e. one under Section 398 IPC and another under Section 302 IPC have been registered against the petitioner. It has been pointed out that in the former case, the petitioner has been acquitted, whereas, in the later case, the petitioner has been granted regular bail by the Coordinate Bench of this Court.

Learned State counsel has not disputed the aforesaid facts(s).

Keeping in view the abovesaid facts, no useful purpose will be served by keeping the petitioner behind the bars in the present case. Accordingly, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of concerned Chief Judicial Magistrate/Illaq Magistrate/Duty Magistrate/trial Court.

20.07.2020
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No