

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-17643-2020

Date of decision: - 22.07.2020

Kuldeep @ Vicky

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Karan Singh, Advocate,
for the petitioner.

HARSIMRAN SINGH SETHI, J. (ORAL)

This petition has been taken for hearing through video conference due to Covid-19 pandemic.

Present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in FIR No.33 dated 18.02.2020, under Sections 379 IPC and 136 of the Indian Electricity Act, 2003, registered at Police Station Sadar Kaithal, District Kaithal.

Learned counsel for the petitioner argues that the petitioner has been falsely involved in the FIR by the police though he is innocent. Learned counsel for the petitioner submits that two FIRs were got registered in the same police station on the same date i.e. FIR Nos.33 and 34 and that too for the same allegations and the petitioner has already been granted the bail in FIR No.34 dated 18.02.2020 by the learned trial

Court. Learned counsel for the petitioner further submits that the challan has already been presented against the petitioner on 01.05.2020 and now no recovery is effected from him.

Notice of motion.

Ms. Aditi Girdhar, Assistant Advocate General, Haryana. who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of respondents-State and submits that the petitioner is involved in more than one FIR, wherein, the same allegations have been alleged and therefore, as the petitioner is a habitual offender, he be not granted the benefit of regular bail.

I have heard learned counsel for the parties and have gone through the record.

It is not disputed by learned State counsel that challan has already been presented against the petitioner on 01.05.2020 and no further recovery is to be effected from him. It is also not disputed by the learned State counsel that the petitioner has already been granted the concession of bail in FIR No.34 dated 18.02.2020. Once, no further recovery is to be effected from the petitioner, no useful purpose will be served by keeping him behind the bars as the trial is likely to take some time to finish. Petitioner has made out a case for the grant of regular bail.

Without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, if not required in any other case, subject to the satisfaction of trial Court/Duty Magistrate concerned.

It is also directed that if it is found that the petitioner is trying to influence the witnesses, in any way, the respondent-State will be at liberty to file a petition for cancellation of bail.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

Present petition stands allowed accordingly.

(HARSIMRAN SINGH SETHI)
JUDGE

July 22, 2020
naresh.k

Whether reasoned/speaking?	Yes
Whether reportable?	No