

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(205) CRM-M-20770 of 2020
Date of Decision : 14.08.2020

Suresh ...Petitioner

Versus

State of Haryana ...Respondent

CRM-M-20789 of 2020

Subhash ...Petitioner

Versus

State of Haryana ...Respondent

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Vishwajeet, Advocate
for the petitioner(s).

Mr. Munish Sharma, A.A.G, Haryana.

Harsimran Singh Sethi, J. (Oral)

These are two petitions filed under Section 439 Cr.P.C. for grant of regular bail in respect of the same FIR No.90 dated 19.03.2020 under Sections 384, 388, 389, 506, 120-B IPC registered at Police Station Adampur, District Hisar, are being disposed of by the common order.

Learned counsel for the petitioners argues that the petitioners were not named in the FIR and no role has been attributed to them in the FIR or by the complainant. Learned counsel for the petitioners further

submits that the petitioners have been roped in the present FIR only on the basis of disclosure statement of the main accused Kaptan Singh that out of total extorted amount, Rs.20,000/- each was paid to both the petitioners. Learned counsel for the petitioners submits that the petitioners are innocent and there is no other case pending against them, except against the petitioner Subhash, against whom, FIR was registered for not putting in appearance in the Court as he was in custody in the present case. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present FIR.

Learned State counsel submits that once in the disclosure statement of the main accused it has come that out of the total extorted amount, Rs.20,000/- each was paid to both the petitioners hence the petitioners were hand in glove with the main accused in extorting the amount, therefore, the concession of regular bail to the petitioners may be declined .

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Once the petitioners were not named in the FIR and no role has been attributed to them and the petitioners have been roped in on the basis of disclosure statement of the main accused, which is yet to be proved, the petitioners have made out a case for the grant of regular bail, especially, when the trial is likely to take some time before it concludes and keeping the petitioners behind the bars will serve no purpose.

Without commenting upon the merits of the case, it is directed that the petitioners be released on regular bail, subject to the satisfaction of

trial Court/Duty Magistrate concerned.

Learned counsel for the petitioners undertakes that petitioners will not obstruct the trial in any manner or influence the witnesses, whose statement is yet to be recorded and in case of default of the above undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

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.

August 14, 2020
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(HARSIMRAN SINGH SETHI)
JUDGE

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