

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

220-A

CRM-M-20939-2020

Date of decision: 11.08.2020

Sukhwinder Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Daljeet Singh Virk, Advocate
for the petitioner.

Mr. Anant Kataria, DAG, Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

The case has been taken up for hearing through video conferencing.

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 (for short, "the Cr.P.C.") for grant of regular bail in case FIR No.39 dated 11.02.2020 registered under Section 392 read with Section 34 of the Indian Penal Code, 1860 (for short, "IPC") at Police Station Sadar Sirsa, District Sirsa to which Section 395 of the IPC was added lateron.

The above said FIR was registered on the written complaint submitted by Surat Singh. In the said complaint Surat Singh alleged that on 31.10.2019 he along with Dungar Singh, Conductor loaded wheat on truck bearing registration No.HR46D/9257 from Sirsa and left for Rohtak at about 10:00 P.M. When they reached Nezada by-pass, 4-5 persons came on two motorcycles and stopped their truck.

Two of them with muffled faces boarded the truck and asked them to

hand over whatever they possessed and threatened to shoot them if he failed to do so. Remaining persons were armed with lathies. He handed over amount of Rs.2,500/- to them due to fear. They snatched mobile phone from Dungar Singh, Conductor.

The petitioner, who is in custody since the date of his arrest, has filed the present petition for grant of regular bail.

Pursuant to supply of advance copy, learned State counsel has appeared and opposed the petition. However, no reply has been filed by the respondent-State.

I have heard learned counsel for the petitioner and learned State counsel and gone through the relevant record.

Learned counsel for the petitioner has argued that the incident took place on 31.10.2019 but the FIR was lodged with undue, unexplained and unreasonable delay of more than three months. The petitioner was not named in the FIR and has been implicated on the basis of disclosure statement of co-accused Avtar Singh @ Taru. No identity or description of accused involved in the alleged occurrence was given in the FIR. No identification parade was conducted by the police. Nothing was recovered from the petitioner. Amount of Rs.200/- was recovered on his personal search. Co-accused Hunny and Avtar Singh have been granted regular bail by this Court vide order dated 03.07.2020 and 10.08.2020. The trial is likely to take long time and no useful purpose will be served by further detention of the petitioner in custody during trial. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State counsel has argued that in

view of the gravity of accusation the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

In view of the facts and circumstances of the case, nature of accusation and evidence against the petitioner, parity with his co-accused Hunny and Avtar Singh who have been granted regular bail by this Court vide order dated 03.07.2020 and 10.08.2020 coupled with the fact that the trial is likely to take long time but without commenting on the merits of the case, I am of the considered view that the petitioner may be extended the concession of regular bail.

Therefore, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

However, the petitioner is granted regular bail subject to the condition that he shall not commit any similar offence after his release on bail and in case of commission of similar offence by him in future his bail in the present case shall also be liable to be cancelled on application to be filed in this regard.

11.08.2020

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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