

CRM-M-23001-2020 (O&M)

Through Video Conference

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

**CRM-M-23001-2020 (O&M).
Decided on: September 04, 2020.**

Rohtash @ Kala

.. Petitioner

VERSUS

State of Haryana

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.J.B.Sharma, Advocate,
for the petitioner.**

Mr.Naveen K. Sheoran, DAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure, seeking regular bail in FIR No.0059 dated 16.03.2019, under Sections 307, 419, 420, 506 and 201/34 IPC as well as under Section 25 of the Arms Act, registered at Police Station, Julana, District Jind (Haryana).

Learned counsel for the petitioner has submitted that the

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petitioner is innocent and has been wrongly roped up in the present FIR. He has referred to the contents of the FIR which have been reproduced in the petition itself to show that the petitioner was not named in the FIR and has been nominated on the basis of disclosure statement of co-accused Amit Kumar. He has further submitted that no role has been attributed to the petitioner anywhere. He has further submitted that the mere fact that as per the disclosure statement the petitioner was allegedly accompanying in Car does not give licence to the police authorities to keep the petitioner in custody for a long time.

In the reply filed by the State, it has been mentioned that on the basis of the disclosure statement made by the main accused, the petitioner was arrested in the present case.

Learned State counsel, on instructions, submits that it is correct that the petitioner was not named in the FIR and it was only on the basis of disclosure statement of co-accused, that the petitioner has been nominated in the present FIR and that no recovery has been effected from the petitioner.

So far as pendency of some other case is concerned, learned counsel for the petitioner submits that the said case was under the Excise Act and the petitioner was released on probation.

Learned State counsel has also submitted that as per the reply filed by the State, investigation in the present case is complete and challan has already been presented on 15.7.2020. However, the learned State counsel has opposed the bail application on the ground that the matter

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is serious in nature and therefore, the petitioner is not entitled for the grant of bail.

I have heard the learned counsel for the petitioner as well as the learned State counsel through video conference.

Admittedly, the petitioner is in custody for the last more than 2 months and he was not named in the FIR and has been nominated on the basis of disclosure statement made by one of the co-accused. It is also a case where no injury has been attributed to the petitioner and as per the arguments of the learned counsel for the parties, no recovery has been effected from the petitioner.

Considering the totality of the circumstances, the present petition is allowed. It is ordered that the petitioner shall be released on bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant only for the purpose of decision of present petition.

September 04, 2020.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

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