

208 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-27309 of 2020
Date of Decision : 17.09.2020

Pankaj @ Mahesh

...Petitioner

Versus

State of Haryana

...Respondent

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ashish Pannu, Advocate
for the petitioner.

Ms. Safia Gupta, AAG, Haryana.

Mr. Govind Chauhan, Advocate
for the complainant.

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.193 dated 21.03.2020 under Sections 406, 420 and 506 IPC (Sections 201, 120-B and 34 added later on in the charge-sheet) registered at Police Station Karnal City, District Karnal.

Learned counsel for the petitioner argues that all the allegations with regard to handing over the possession of the truck by the complainant is upon the co-accused namely, Rahul Rana. Learned counsel for the petitioner submits that the petitioner has wrongly been implicated in the present case by making false allegations. Further submission of the learned

counsel for the petitioner is that challan has already been presented and the

trial is likely to take some time and, therefore, the petitioner be granted the benefit of regular bail.

Ms. Safia Gupta, AAG, Haryana, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, submits that one of the trucks, though, given possession to the main accused Rahul Rana, but, same was recovered from the petitioner and, therefore, the petitioner is not entitled for the grant of regular bail.

Mr. Govind Chauhan, Advocate, who has joined the proceedings through video conference and appearing on behalf of the complainant submits that out of the four trucks, one truck is still missing and, therefore, the petitioner may not be granted the benefit of regular bail.

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

It is not disputed that the challan has already been presented in the Court, meaning thereby, the investigation is already complete. Once, the investigation is over, non-recovery of one truck as being alleged by learned counsel for the complainant cannot be attributed to the petitioner for the reason that even according to the FIR, complainant handed over the possession of all the trucks to Rahul Rana and not to the petitioner. The trial is likely to take some time and the allegations alleged against the petitioner are yet to be proved in the Court of law.

Keeping in view the above, the 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, is not required in any other

case, subject to the satisfaction of trial Court/Duty Magistrate concerned.

Learned counsel for the petitioner undertakes that petitioner 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.

September 17, 2020
aarti/naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

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