

CRM-M-28468-2020

Date of Decision: 23.11.2020

Rahul

.....Petitioner

Vs.

State of Haryana

....Respondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGHPresent: Mr. Gaurav Singla, Advocate,
for the petitioner.

Mr. B.S.Virk, DAG, Haryana.

AMOL RATTAN SINGH, J. (Oral)

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

On 05.10.2020, the following order had been passed:-

“All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

By this petition, the petitioner seeks the concession of 'regular bail', upon FIR no.231, dated 20.04.2016, having been registered at Police Station Sadar Palwal, District Palwal, alleging therein the commission of offences punishable under Sections 379-A and 506 of the IPC read with Section 34 thereof.

Mr. Gupta points to the two separate judgments of the learned trial courts in the case of two co-accused of the petitioner (copies Annexure P-2 and P3), to submit that they had both been acquitted, with the complainant himself having turned hostile and with in fact even the photographs taken in the CCTV footage at a petrol pump, not found to be relatable to those co-accused. Learned State counsel, while obviously not being able to deny the fact of acquittal of the aforesaid persons, however submits that the petitioner having been declared to be a proclaimed offender and with there being two other criminal cases registered against him, he does not deserve to be admitted to bail.

Having considered the matter, in view of the fact that two co-accused of the petitioner have already been acquitted, the petitioner is ordered to be admitted to interim bail to the satisfaction of the trial court/CJM/Duty Magistrate concerned.

In the meanwhile, a gazetted officer is directed to file a reply stating as to whether any criminal case under the provisions of Section 174-A of the IPC has been registered against the

petitioner or not; and further, as to whether the case of the petitioner is in any manner different to those coaccused who have already been acquitted.

Adjourned to 06.11.2020.”

Today, learned State counsel submits, on instructions, that an offence punishable under Section 174-A of the IPC was added in the FIR in a supplementary *challan* filed in April, 2020.

Whether or not an offence punishable under Section 174-A of the Code could have been simply added to an FIR, as opposed to a separate FIR being registered, would be a matter of debate, but keeping in view the fact that the co-accused of the petitioner has been acquitted and even the complainant turned hostile (as already recorded in the last order), without making any comment on the actual merits of the case, this petition is allowed, with the order dated 05.10.2020, admitting the petitioner to interim bail, made absolute, on the same terms and conditions.

November 23, 2020

dharamvir/

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES/NO
Whether Reportable : YES/NO