

**IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH
207 (PROCEEDINGS THROUGH V.C.)**

**CRM-M-30086-2020
Date of decision: 05.10.2020**

KULDEEP KUMAR

...PETITIONER

V/S

STATE OF HARYANA

..RESPONDENT

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

**Present: Mr. Naresh Jain, Advocate,
for the petitioner.**

**Mr. Arun Beniwal, DAG, Haryana,
for the State.**

AUGUSTINE GEORGE MASIH, J. (ORAL)

Prayer in this application is for grant of regular bail to the petitioner in FIR No. 142 dated 03.05.2020 under Sections 395/392/397/34/120-B IPC registered at Police Station. P.S. Sadar Dabwali, District Sirsa.

It is the contention of the learned counsel for the petitioner that the petitioner is not the person who has participated in the actual commission of crime at the customer service centre of the complainant. It is also not the case of the prosecution that the petitioner had accompanied the other co-accused. The allegation against the petitioner and that too, on the basis of the disclosure statement, is that the remaining co-accused had stayed at the house of the petitioner for the whole night after the

commission of crime and they had paid an amount of ₹5,000/- to the petitioner which was spent on eatables and other items. Assertion has also been made that the petitioner is in custody since 13.05.2020 and the challan stands presented with no charge framed as yet. Counsel asserts that the petitioner be granted the concession of bail as he, according to the prosecution story, has not actively participated in the actual commission of crime.

Learned counsel for the State although acknowledged this aspect but has stated that it is the petitioner who had called up the complainant and enquired about the fact as to whether the customer service centre was open or not. It, therefore, cannot be said that the petitioner was not involved in the commission of the offence or was not aware of the offence to be likely committed. He, therefore, asserts that the petitioner be not granted the concession of bail especially when he also had got the share of the money which was looted.

Having considered the submissions made by the learned counsel for the parties and keeping in view the fact the role, which has been attributed to the petitioner as per the prosecution story, leaves the petitioner with the allegation that he was aware of the likelihood of the commission of crime and had also called up the complainant to enquire about the fact as to whether the customer service centre was open on the particular date and that the petitioner has not gone to the spot where the actual commission of crime was committed and the petitioner being in custody for more than approximately five months with the trial not likely to conclude in near future and till date, no charge has been framed nor has any witness been examined and further, as per the prevailing circumstances, the Courts are

working in a restricted mode and there is no other case against the petitioner, the present application is allowed.

Petitioner is directed to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Chief Judicial Magistrate/Duty Magistrate, Sirsa

Any observation made herein above shall have no bearing on the merits of the case during trial in any manner.

October 05 2020

pj

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No