

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M- 32024 of 2020 (O&M)

Date of Decision: 03.11.2020

Niyamat

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Sarfraj Hussain, Advocate
for the petitioner(s).

Anil Kshetarpal, J.

The petitioner prays for grant of regular bail pending trial in a criminal case arising from FIR No. 256, dated 22.11.2019, registered under Section 451, 511, 171 & 420 IPC and 25/54/59-A of the Arms Act, 1959, at Police Station Dhouj, District Faridabad.

As per the case of the prosecution, four boys attempted to loot the ATM (Automated Teller Machine), installed in the premises. They broke open the lock of the shutter, however, since the Security Guard posted in the neighbourhood informed the police, therefore, the boys ran away.

Learned counsel for the petitioner contends that the petitioner is in detention since 05.06.2020. He has been named as an accused in the disclosure statement of Tofiq alias Nepali. He further drew the attention of the Court to the orders dated 18.08.2020 and 30.09.2020 (Annexures P2 and P3), passed by the learned Sessions Court, while granting bail to the petitioner in two other FIRs. It has been pointed out that the aforesaid Tofiq

alias Nepali, who is stated to be a habitual offender, is trying to falsely

implicate the petitioner.

Mr. Chetan Sharma, Assistant Advocate General, Haryana, has opposed the petition on the ground that the petitioner is involved in various other cases.

On a court question being asked, the learned State counsel admitted that apart from the disclosure statement of a co-accused and the recovery of ₹20,000/-, no other material is, at present, available with the prosecution to connect the petitioner with the alleged offence. On completion of the investigation, the challan has been presented, on 04.07.2020. The conclusion of the trial is likely to take time. Still further, the petitioner is stated to be indicted as an accused in a similar manner and was granted regular bail by the learned Sessions Court.

Keeping in view the aforesaid facts and without expressing any opinion on the merits of the case, it is considered appropriate to direct the petitioner to be released on regular bail as the conclusion of the trial is likely to take time. Hence, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the learned Area Judicial Magistrate/Chief Judicial Magistrate/Duty Magistrate.

(Anil Kshetarpal)
Judge

November 03, 2020
“DK”

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