

CRM-M-39194 of 2020
Date of Decision: 01.12.2020

Ajay @ Situ

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURIPresent: Mr. Vikas Bishnoi, Advocate
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

Through Video Conferencing**JASGURPREET SINGH PURI, J.(ORAL)**

The present petition has been filed under Section 439 of Cr.P.C. for grant of concession of regular bail to the petitioner in FIR No. 212, dated 20.05.2018 under Sections 379-A and 34 of IPC, 1860, registered at Police Station City Tohana, District Fatehabad.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case especially in view of the fact that the name of the petitioner has been nominated on the basis of disclosure statement of accused Deepak. He has further stated that the accused Deepak has already been granted bail vide Annexure P-2 and the alleged recovery has also been made from him. So far as the petitioner is concerned, no recovery has been effected from him. He has further submitted that challan has been presented and the investigation is complete and even the charges have been framed. He further submitted that the

petitioner is in custody since 27.09.2019 and there is only one another FIR is pending against the petitioner in which the petitioner was also falsely implicated and even during the trial, the complainant and the witnesses has already turned hostile in the said FIR and has therefore, prayed for grant of regular bail to the petitioner.

On the other hand, learned State counsel has submitted that it is correct that the petitioner is in custody since 27.09.2019 and charges have already been framed and the challan has been presented. It is also not in dispute that the name of the petitioner has been nominated on the basis of disclosure statement of co-accused Deepak, who is the main accused from whom recovery of illegal mobile phone has been made and the said accused has been granted bail by the learned trial Court. However, no recovery has been effected from the present petitioner.

I have heard the learned counsel for the parties and have perused the record.

So far as the acquittal of the present petitioner is concerned, it is an admitted position that the petitioner is in custody since 27.09.2019 and charges have already been framed. It is also not disputed that the name of the petitioner was nominated on the basis of disclosure statement of co-accused Deepak, who has already been granted bail by the learned trial Court. So far as the penalty of other case is concerned, learned counsel for the petitioner has submitted that during trial, the main eye-witness and the complainant has turned hostile and therefore, in the facts and circumstances of the case, this Court deems it fit that denial of bail to the present petitioner would be inappropriate.

In view of the above, without commenting anything on the merits of the case and keeping in view the totality of the present case, the petitioner is entitled to the concession of regular bail. The petitioner is enlarged on bail on his furnishing adequate bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

(JASGURPREET SINGH PURI)
JUDGE

December 01, 2020
Manpreet

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