

CRM-M-42617-2020 (O&M)

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

**CRM-M-42617-2020 (O&M.
Decided on: December 22, 2020.**

Pawan Kumar

.. Petitioner

VERSUS

State of Haryana

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.Sunita Verma, Advocate,
for the petitioner.**

Mr.Naveen K. Sheoran, DAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

Through Video Conference

The present petition has been filed under Section 439 of the Code of Criminal Procedure, seeking regular bail in FIR No.350 dated 5.9.2020, under Section 136 of the Electricity Act as well as Sections 379 and 411 IPC, registered at Police Station City Kaithal, District Kaithal.

Learned counsel for the petitioner has submitted that in the present case, the petitioner has been falsely implicated and he was not named in the FIR. She has further submitted that as per the allegations in the

CRM-M-42617-2020 (O&M)

FIR there was theft of transformer oil and Ajaib Singh, Sandeep Kumar, Suchha and Vikram @ Buchha, who were apprehended by the police while going in a car were the persons who were made accused. She has further submitted that during the course of investigation, it was found on the basis of disclosure statement of aforesaid persons that the petitioner had only purchased some transformer oil from them. She has further submitted that firstly such kind of disclosure statement is not admissible in evidence and secondly, even the other co-accused namely Raju who is on parity with the petitioner has already been granted the concessio of bail by this Court vide order Annexure P2 passed in CRM-M-37007-2020 on 18.11.2020. She has further submitted that the petitioner is in custody since 19.11.2020 and investigation in the case is complete and no recovery is to be effected from the petitioner and therefore, the case of the petitioner may be considered for the grant of regular bail.

On the other hand, learned State counsel has submitted that although the investigation in the present case is complete but there are six more cases pending against the petitioner. He has further submitted that nature of the allegations in all those cases is similar to that of the present case. So far as completion of investigation process is concerned, the learned State counsel has not disputed the same and has further submitted that in the present case no recovery is required to be effected. So far as the parity with another co-accused namely Raju is concerned, learned State counsel has not been able to state that the petitioner is not on parity with Raju. On being asked from the learned State counsel that in case the petitioner is released

CRM-M-42617-2020 (O&M

on bail whether there is any likelihood that he may influence the witnesses or tamper with the record, no justifiable explanation has come forth in this regard.

So far as pendency of other cases against the petitioner is concerned, learned counsel for the petitioner has pointed out that the petitioner is already on bail in three of them and even otherwise also those FIRs were during the period starting from 1.9.2020 to 28.9.2020 and the police has maliciously roped in the petitioner in the those cases on the basis of disclosure statement.

I have heard the learned counsel for the parties.

In the present case during the course of investigation, it was found that the petitioner had allegedly purchased some amount of transformer oil which was the stolen property. So far as investigation of the case is concerned, it is not in dispute that the same is already complete and challan stands presented. Learned State counsel has not been able to justify that in case the petitioner is released on bail, he may influence the witnesses or tamper with the evidence. Apart from this, co-accused namely Raju who is on parity with the petitioner and who also had allegedly purchased some amount of transformer oil from the other co-accused has already been granted the concession of regular bail vide Annexure P2 as stated above.

Therefore, considering the totality of the circumstances, I deem it fit and appropriate to admit the petitioner on bail. The present petition is allowed. It is ordered that the petitioner shall be released on bail on furnishing bail bond/surety bond to the satisfaction of the concerned trial

CRM-M-42617-2020 (O&M

Court/Duty Magistrate.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant only for the purpose of decision of present petition.

December 22, 2020.
raj arora

JASGURPREET SINGH PURI)
JUDGE

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