

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

122

CRM-M-54270-2019

Date of decision : 05.11.2020

Kuldeep

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Sartaj Singh Thakur, Advocate
for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana
for the respondent-State.

Mr. Pushpinder Yadav, Advocate
for respondent No.2-complainant.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.91 dated 14.04.2019 registered under Sections 25 of the Arms Act, 1959 and Sections 364 and 392 of the Indian Penal Code, 1860 (for short 'the IPC') in Police Station Uklana, District Hisar to which Sections 342, 365, 395, 397, 412, 413, 414, 420, 467, 468, 471 and 120-B of the IPC were added lateron.

The above said FIR was registered on statement of Trilok Chand. In his statement Trilok Chand alleged that on 11.04.2019 at about 7 p.m. trailer, owned by him driven by Rajesh, loaded with 18 MT iron girders started from Mandi Gobindgarh for Hansi. On 14.04.2019 at about 8 p.m. he received a telephonic call from Rajesh informing that when he reached near village Bithmada, four persons came in a black colour car and three of them on pistol point took him in the car while fourth one took his trailer towards Surewala Chowk. After about one hour he was thrown near canal of village Belrakha. Rajesh

also told him that the above-said persons also snatched amount of Rs.20,000/- and mobile phone from him. Thereupon he (complainant) along with his son Yogesh reached the place where Rajesh was thrown and reported the matter to the police. The police investigated the case and on completion of investigation filed challan against the petitioner and his co-accused.

The petitioner, who is in custody since 08.05.2019 has filed the present petition for grant of regular bail.

The petition has been opposed by the learned State Counsel in terms of reply filed by way of affidavit of Sh. Rohtash Singh, HPS, Deputy Superintendent of Police, Barwala, District Hisar and by learned Counsel for respondent No.2-complainant.

I have heard learned Counsel for the petitioner, learned State Counsel and learned Counsel for respondent No.2-complainant and have gone through the relevant record.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. The petitioner was not named in the FIR and was implicated on the basis of disclosure statement made by co-accused Mahipal. The petitioner has been falsely implicated in another case of similar nature without any cogent evidence against him. The alleged recovery has been falsely planted on the petitioner. Challan has been presented. The trial is likely to take long time due to restrictions imposed to prevent spread of infection of Covid-19 and no useful purpose will be served by further detention of the petitioner in custody during trial. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State Counsel and learned Counsel for respondent No.2-complainant have argued that the petitioner and his co-accused had committed robbery of the trailer and the girders loaded on the same and had snatched amount of Rs.20,000/- and mobile phone from Rajesh. Girders weighing 10.30 quintals were recovered from the petitioner. The petitioner is also involved in one more case of the similar nature. In view of the gravity of offences, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

In view of the facts and circumstances of the case, nature of accusation and evidence against the petitioner, the period of his custody and the fact that the trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19 but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the petitioner.

Accordingly, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

However, the petitioner is granted regular bail subject to the condition that he shall not commit any similar offence after his release on bail and in case of commission of similar offence by him in future his bail in the present case shall also be liable to be cancelled on application to be filed in this regard.

05.11.2020

Kothiyal

(ARUN KUMAR TYAGI)
JUDGE

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