

In virtual Court

CRM-M-330-2021

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-330-2021 (O&M)
Date of decision: 29.01.2021

Pardeep

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Mohd. Shahid Hussain, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.32 dated 18.09.2019 under Section 379-B IPC (Sections 365, 397, 412, 120-B IPC were added later on), registered at Police Station HSIIDC Barhi, District Sonapat.

Learned counsel for the petitioner relies upon the order dated 17.12.2020 passed in CRM-M-16622-2020, CRM-M-17315-2020, CRM-M-24314-2020 and CRM-M-32092-2020, vide which four co-accused of the petitioner namely Amit, Satyawar, Tejbir and Anil @ Chhotu were granted the concession of regular bail. The operative part of the order reads as under: -

“...Prayer in these petitions is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure

(in short 'Cr.P.C.') in FIR No.32 dated 18.09.2019, for offence punishable under Section 379-B of the Indian Penal Code, 1860 (in short 'IPC') (Sections 395, 397, 412, 120-B IPC added subsequently) registered at Police Station HSIDC Barhi, District Soenpat.

Counsel for the petitioner – Amit has argued that the petitioner – Amit is not involved in any other case and he is in custody since 09.12.2019. Counsel for the petitioner – Tejbir has submitted that one more FIR is pending against him and he is in custody since 25.11.2019 and there are two more cases registered against the other two petitioners i.e. Satyawan and Anil @ Chhotu, and they are also in custody since 27.11.2019 and 25.11.2019.

Counsel for the petitioner(s) have jointly argued that as per the allegations in the FIR, registered by one Ashish, his two employees namely Kewa Ram and Mahinder Patel, who are working in his office at Delhi had gone to Samalkha on 16.09.2019 and made a collection of Rs.11 lacs in cash and while they were coming back, 04 unknown persons stopped their car and snatched the bag containing Rs.11 lacs at gun-point. It is also submitted that the FIR was registered at a delay of 02 days and after another 02 months, a supplementary statement was made on 14.11.2019 that in fact, a sum of Rs.1 crore 50 lacs was snatched from the employees.

Counsel for the petitioner(s) have further submitted that

after some of the accused were arrested, the name of the petitioner Amit surfaced in the disclosure statement made in some other FIR No.1055.

Counsel appearing for the petitioner(s) i.e. Tejbir and Anil @ Chhotu, has submitted that their names were also surfaced on the basis of the disclosure statement made by the accused in FIR No.1055 and similar is the situation in case of the petitioner – Satyawar.

Counsel for the petitioner(s) have also submitted that the police has already effected the recovery of the amount; challan stands presented and the petitioners are no more required for further investigation; the petitioners are in custody for about 01 year and on account of the COVID-19 situation in the country, they are entitled for bail.

Counsel for the State, on the basis of the affidavit filed by the Deputy Superintendent of Police (Headquarter), Sonapat, and on instructions from the Investigating Officer, has not disputed the factual position but opposed the prayer for bail.

Counsel for the State has also submitted that as per the affidavit, certain recoveries have been effected from the petitioners as well as the other accused, who were arrested. It is also argued by counsel for the State that one accused namely Mange Ram was also granted the concession of anticipatory bail by this Court vide order dated 24.06.2020 passed in CRM-M No.16415 of 2020,

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whereas the anticipatory bail of 03 of the other accused namely Farman, Pawan and Ravi, was dismissed and later on, Farman and Ravi have been arrested...”

For the sake of brevity, facts of the case are not reproduced.

Learned counsel for the petitioner submits that allegations against the petitioner are identical in nature.

Learned State counsel has filed the status report by way of affidavit of DSP, Ganaur, Sonipat and custody certificate dated 29.01.2021 in the Court today and has submitted that the case is now fixed for framing of charge, however, the affidavit is silent about allegations against the petitioner.

A perusal of the custody certificate shows that the petitioner is in custody for the last about 01 year and 02 months and is on bail in another FIR.

Without commenting anything on merits of the case, considering the aforesaid submissions and the fact that aforesaid four co-accused of the petitioner have already been granted the concession of regular bail, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

29.01.2021
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No