

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-903-2021

DATE OF DECISION: JANUARY 13, 2021

SHARYAB

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. KESHAV PRATAP SINGH, ADVOCATE
FOR THE PETITIONER.

KANWAR SANJIV KUMAR, AAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.721 dated 22.11.2020, under Section 420, 467, 468, 471, 120-B IPC, Police Station Assandh, District Karnal. The petitioner is in custody since his arrest on 22.11.2020.

The allegations contained in the FIR as noticed by the Addl. Sessions Judge in his order dated 16.12.2020, are as under:-

“In the intervening night of 21/22.11.2020 a team consisting police, complainant-District Food and Supplies Officer, Assandh, and Hafed on a secret information, intercepted a Tralla, bearing registration No.HR-38Y-7319, loaded with rice bags and present at Bankey Bihari Dharam Kanta, Rattak Road, Assandh. Driver of the Tralla, disclosed his name as Sharyab (petitioner). Team demanded documents of the vehicle

and goods loaded therein. Petitioner produced bill No.244 dated 21.11.2020 for 370 Rice Bags, issued by M/s Balaji Trading, Shop No.118, Purani Anaj Mandi, Karnal, in favour of Jai Ma Mansa Devi Trading, New Grain Market, Karnal. When team asked the petitioner driver of presence of his Tralla in Assandh, he disclosed that in fact he had brought loaded Tralla from Bihar to M/s Balaji Trading, Purani Anaj Mandi Karnal, where Bilty was retained by concerned person of M/s Balaji Trading and he had given some documents (produced before the police team) and he aftermaking a telephonic call with Pankaj Garg on Phone No.91071660000 directed petitioner driver to unload the rice bag at Busy-Overseas, Rattak Road, Uplana, Assandh.”

Learned counsel for the petitioner contends that as per the prosecution, the truck driven by the petitioner was stopped which was carrying smuggled rice. He submits that as per prosecution itself, the bills and other documents pertaining to the loaded material were recovered by the Superintendent, Food & Supplies, Assandh. He submits that the rice was being transported on behalf of M/s Balaji Trading Company and was to be delivered to B.G. Overseas, Uplana, Assandh. According to him, the investigation of the case is almost complete and the petitioner is confined in judicial custody and is not required for any investigation. He prays that the petitioner be released on regular bail during the pendency of the trial.

On the other hand, learned counsel for the State assisted by

Inspector Amit Kumar Sharma has opposed the aforesaid prayer on the ground that the investigation is still pending. He has argued that the documents pertaining to the material loaded in the vehicle were shown by the driver and he has been indicted as an accused on the basis of criminal conspiracy.

Considering the above background, the custody of the petitioner and the fact the offences are triable by Magistrate, this Court does not find any reason to decline the prayer particularly, when investigation of the case is almost complete and the trial is likely to take considerable time to conclude in the wake of outbreak of global pandemic, namely, COVID-19. Therefore, further custody of the petitioner may not be justified. The petitioner is presently confined in judicial custody since 22.11.2020 and is not required for any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

January 13, 2021
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No