

CRM-M-2330-2020 (O&M)

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

**CRM-M-2330-2020 (O&M).
Decided on: February 15, 2021.**

Ravinder @ Kali Rana

.. Petitioner

VERSUS

State of Haryana

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.Sandeep Singh Jattan, Advocate,
for the petitioner.**

Mr.Munish Sharma, AAG, 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.826 dated 26.5.2017, under Sections 148, 149, 307, 450, 506, 120-B (201 IPC added later on) and under Section 25 of the Arms Act, registered at Police Station Jagadhri, District Yamuna Nagar.

Learned counsel for the petitioner has submitted that the

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petitioner has been falsely implicated in the present case and he was not named in the FIR. He submitted that when the persons named in the FIR were interrogated by the police then one of the co-accused namely Surya Partap Singh, had disclosed the name of another co-accused namely Virender @ Kala who was nominated as accused.

As per the prosecution when the aforesaid Virender @ Kala, was interrogated, he disclosed the name of the present petitioner and thereafter, the present petitioner was nominated in the present FIR.

Learned counsel for the petitioner has submitted that disclosure statement of Virender @ Kala was a weak type of evidence and merely on the basis of disclosure statement, the petitioner could not have been nominated and otherwise also, there is no other evidence connecting the petitioner. He submitted that the petitioner was produced on the basis of production warrants. He has submitted that the petitioner is i custody since 9.5.2018 which is almost 2½ years and after completion of investigation and framing of charges, the material witnesses have already been examined including the complainant as PW.1 on 28.2.2020 and injured as PW./3 on 13.3.2020 and out of total 36 witnesses, four have already been examined. He has further submitted that no other material witness is left and only official witnesses are remaining and therefore, the petitioner may be considered for the grant of regular bail. The learned counsel further referred to Annexure P-4 whereby aforesaid Virender Partap @ Kala has been granted bail by this Court and also Annexure P-3, whereby another co-accused namely Vainket Garg has been granted bail by this Court.

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On the other hand, learned State counsel has referred to short affidavit filed by the Deputy Superintendent of Police, Jagadhri (Yamuna Nagar), to state that there are ten other FIRs against the petitioner. However, he has not disputed the fact that the complainant and injured have already been examined on the aforesaid dates and out of 36 cited witnesses, 4 have already been examined. Learned State counsel, however, has opposed the grant of regular bail to the petitioner on the ground that the petitioner is a habitual offender and therefore, he may not be granted the concession of regular bail.

Referring to the aforesaid contention made by the learned State counsel, learned counsel for the petitioner states that in the FIRs which have been stated in the affidavit filed by the State the petitioner is already on bail in all the FIRs and furthermore it is the case of the petitioner that since the petitioner was involved in other cases, he has been falsely implicated in the present case and the present case was planted upon the petitioner.

I have heard the learned counsel for the parties.

So far as the custody of the petitioner is concerned, the same has not been disputed by the learned State counsel and accordingly, the petitioner is in custody since 9.5.2018 which is almost 2½ years and the material witnesses have already been examined in the present case. So far as pendency of other cases is concerned, as stated by the learned counsel for the petitioner, the petitioner is already on bail in the aforesaid cases. Admittedly, the petitioner was nominated on the basis of disclosure

statement made by one Virender @ Kala who was also nominated on the basis of statement made by one Surya Partap Singh who was named in the FIR.

Therefore, considering the totality of the circumstances of the present case and without meaning anything on the merits of the case, this Court deems 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 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.

February 15, 2021.	JASGURPREET SINGH PURI)
raj arora	JUDGE
Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No