

Sr.No.211

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

CRM-M-5513 of 2021

Date of decision:11.02.2021

Jagvinder Singh @ Jagga

... Petitioner(s)

versus

State of Haryana

... Respondent (s)

Coram: Hon'ble Mr. Justice Jasgurpreet Singh Puri

Present: Mr. Namit Khurana, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

Mr. G.S.Sandhu, Advocate
for the complainant.

Through Video Conference

Jasgurpreet Singh Puri, J.(Oral)

Present petition has been filed under Section 439 Cr.P.C for grant of regular bail in FIR No.355, dated 24.08.2020 registered under Sections 379-B, 392, 397 IPC and Section 25 of Arms Act at Police Station Kurukshetra University, District Kurukshetra.

As per the FIR which was lodged on the basis of complaint made by one Raj Kishore son of Dhapat by stating that he is working as a driver in the Light Metal Factory at Panipat and that he loaded luggage of Govind Battery Company, Kamoda in Tractor from the Light Metal Factory and started from Panipat at about 8:00 am after unloading the luggage in Kamoda factory and after taking Rs.10 lakhs from the factory owner, namely Virender Singh and after putting the same in a cloth bag, keeping the same in the tool box of the trolley and locking the same he started from the factory

on his tractor. When he reached at a distance of about one kilometer then a young boy standing there got the tractor stopped and sat on my tractor and stated that he has to go ahead. But thereafter, when he told the complainant to stop the tractor for getting alighted, he took out his pistol from his pant and put it on his bakhi. In the meantime, another boy came on the motorcycle from behind and told him to shoot. Both the persons whose names were unknown after snatching the keys of the tool box took away Rs.10 lakhs, mobile phone and fled away. It is further stated in the FIR that thereafter complainant came back to factory and told to the owner of the factory about this and also told that he may even identify the persons who had come on tractor.

Learned counsel for the petitioner has submitted that as per the FIR two persons had allegedly come and had snatched Rs. 10 lakhs and mobile and these two persons were namely, Davinder and Ashwani. He has submitted that so far as the present petition is concerned there is nothing in the FIR with regard to the petitioner. He has submitted that during the investigation on the basis of disclosure statement made by one Ashwani, the name of the petitioner was nominated. He has further submitted that allegation against the petitioner which has come up during investigation was that he informed one another co-accused namely, Parveen that some money is being carried by the complainant and thereafter, subsequently, the aforesaid Parveen informed the other two accused namely, Davinder and Ashwani who actually allegedly participated in the crime. Learned counsel for the petitioner has submitted that so far as the petitioner is concerned he has been falsely implicated in the present case and even recovery of Rs.2.52 lakhs from him was also planted upon him. He has submitted that there is

no role of the petitioner in the entire episode if at all it has happened and even identification parade was not conducted. He has submitted that the petitioner is in custody since 26.08.2020 which is almost six months and the investigation of the case is already complete and thereafter, the challan has been presented and the charges have been framed. He has submitted that trial of the case would take long time and on the face of it the petitioner has no role to play in the aforesaid incident which has been stated in the FIR. Learned counsel for the petitioner has submitted that although the petitioner is only an employee of the factory and he is not involved in any other case till date. He has therefore, prayed for grant of regular bail to the petitioner.

On the other hand, learned State counsel has submitted that although the petitioner was not named in the FIR and was not at the site where the alleged offence took place but it was on the information given by the petitioner that the said offence was committed by the Davinder and Ashwani, and therefore, the petitioner is also liable for the same. Learned State counsel has not disputed the custody period of the petitioner and he has also not disputed the the investigation of the entire case is complete, and that charges have already been framed by the learned Trial Court. However, learned State counsel has opposed the grant of bail to the petitioner on the ground that the matter was serious in nature.

Learned counsel for the complainant has also opposed the bail of the petitioner on the ground that petitioner was involved in the present case in which snatching has taken place and therefore, he has prayed for dismissal of the present petition.

I have heard the learned counsel for the parties.

Custody of the petitioner is not in dispute. It is also not

disputed by the learned State counsel that investigation of the case has already been completed and after the presentation of challan, charges have already been framed. So far as the petitioner is concerned the allegations which have come up during the course of investigation were that he had informed one another co-accused namely, Parveen who further informed the two persons namely, Davinder and Ashwani who allegedly committed the offence of snatching. The name of the petitioner was nominated on the basis of a disclosure statement. It is further not disputed that the petitioner is not involved in any other case. Furthermore, it is not the case of the State that in case the petitioner is released on bail then he may tamper with the evidence or he may influence the other witnesses.

Keeping in view the above facts and without expressing any opinion on the merits of the case, the present petition is allowed. After considering the totality of the circumstances of the case, this Court is of the considered opinion that it would be in the interest of justice, to admit the petitioner to bail. Petitioner is granted the concession of regular bail. He be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the concerned Trial Court/Duty Magistrate.

11th February, 2021

Shivani Kaushik

[JASGURPREET SINGH PURI]

JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No