

CRM-M-8820 of 2021

Date of Decision: 31.08.2021

Parveen @ Pinna

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr.Rajesh Nain, Advocate for the petitioner.

Mr.Naveen Singh Panwar, DAG, Haryana.

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

Through Video Conference**JASGURPREET SINGH PURI, J. (Oral)**

The present petition has been filed under Section 439 of Criminal Procedure Code, for grant of regular bail in FIR No.355 dated 24.08.2020 under Sections 379-B, 392, 397 of IPC & 25 of Arms Act, registered at Police Station Kurukshetra University, District Kurukshetra.

Learned counsel for the petitioner has submitted that it is a case where the name of the petitioner was not mentioned in the FIR and his name has been cropped up on the basis of disclosure statement of the other co-accused. He has submitted that even otherwise, the allegation against the petitioner was that he had conspired to loot money with the help of the other main co-accused namely, Davinder and Ashwani against whom the allegations were that they had actually looted money amounting to Rs.10 lacs. So far as the present petitioner is concerned he was an ex-employee of the factory and according to the learned counsel for the petitioner he was only an alleged conspirator in the aforesaid alleged loot.

He has submitted that similarly situated co-accused namely, Jagvinder Singh @ Jagga has been granted regular bail by this Court vide order dated 11.02.2021 passed in CRM-M-5513 of 2021, as allegations against him were also similar in nature and he was also alleged conspirator and he has informed about the person who was driving the vehicle from whom money was looted. He has submitted that the petitioner is in custody since 26.08.2020 which is more than one year and the investigation of the case is complete and two prosecution witnesses have been examined. He has further submitted that the petitioner is not involved in any other case and the present case is only planted upon the petitioner and that too on the basis of a disclosure statement which is inadmissible in evidence.

On the other hand, learned State counsel has stated that so far as the custody period of the petitioner is concerned, the same is not in dispute and it is also not in dispute that the petitioner is not involved in any other case and the matter is fixed for prosecution evidence. He has further stated that so far as the other co-accused is concerned, the allegations against him were also that he was a conspirator and he has been granted bail by this Court. However, he has opposed the bail on the ground that some recovery has been effected from the petitioner and therefore, the matter being serious in nature, he may not be granted bail.

I have heard the learned counsel for the parties.

The custody of the petitioner is not in dispute, which is more than one year and it is also not in dispute that the petitioner is not involved in any other case. The investigation of the case is already complete and the matter is now at the prosecution stage and the trial of the case may take long

time. Furthermore, the other co-accused who is at parity with the present petitioner has been granted bail by this Court and the name of the present petitioner was nominated on the basis of disclosure statement of other co-accused namely, Davinder and Ashwani. Furthermore, it is not the case of the State that in case, the petitioner is released on bail then he may influence any witness or may tamper with the evidence or may flee from justice.

Therefore, considering the totality and circumstances of the case, I deem it fit and proper to grant regular bail to the petitioner. Consequently, the present petition is allowed. The Petitioner is admitted to regular bail. He shall be released on regular bail on his furnishing bail bonds/surety to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

(JASGURPREET SINGH PURI)
JUDGE

August 31, 2021
Manpreet

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