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Through Video Conferencing

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

Date of decision: 10.09.2021

(1) CRM-M-9049-2021

Daljeet

....Petitioner

versus

State of Haryana

....Respondent

(2) CRM-M-18972-2021

Gagan

....Petitioner

versus

State of Haryana

....Respondent

(3) CRM-M-13135-2021

Sandeep Singh

....Petitioner

versus

State of Haryana

....Respondent

CORAM: - HON'BLE MR. JUSTICE VIKAS BAHL.

Present: - Ms. Garima Sharma, Advocate, for the petitioner(s)
in all cases.

Mr. Manish Dadwal, Assistant Advocate
General, Haryana.

VIKAS BAHL, J (ORAL)

By this common order, three criminal miscellaneous petitions filed under Section 439 of the Code of Criminal Procedure i.e. **CRM-M-9049-2021** titled as **Daljeet versus State of Haryana** and **CRM-M-18972-2021** titled as **Gagan versus State of Haryana** and **CRM-M-13135-2021** titled as **Sandeep Singh versus State of Haryana**, arising out of the same FIR No. 409 dated 08.11.2020 under Sections 392/34 IPC, registered at Police Station Taraori, District Karanal, are being disposed of.

CRM-M-13135-2021 and CRM-M-18972-2021

In view of the fact that there are six more cases against accused-Sandeep Singh and accused-Gagan has specifically been named in the FIR, learned counsel for the petitioner(s) seeks to withdraw above said two bail petitions i.e. **CRM-M-13135-2021** titled as **Sandeep Singh versus State of Haryana** and **CRM-M-18972-2021** titled as **Gagan versus State of Haryana** at this stage.

Dismissed as withdrawn at this stage.

Pending miscellaneous application in CRM-M-18972-2021 shall stand disposed of.

CRM-M-9049-2021

As far as the case of **Daljeet** is concerned, learned counsel for the petitioner has submitted that as per the prosecution version, there were three persons sitting in the car i.e. Qualis number PB-33-E-7901 out of which two persons have been named i.e. Gagan and Rinku. She further submits that the present petitioner and Sandeep have not been named in the FIR.

Learned counsel for the petitioner has submitted that in fact the present petitioner was not involved in the incident at all, as in case the present petitioners Sandeep, Gagan and Daljeet are all treated as the accused, then the version in the FIR to the effect that three young persons were sitting in the car stands falsified.

It is further submitted that in the present case challan has been filed and there are as many as 11 witnesses and they are yet to be examined and the trial has not commenced and even the charges have not been framed, thus, trial is likely to take a long time.

Learned State counsel submits that whether there were three or four persons is a matter of debate and an amount of Rs. 7,000/- has also been recovered from the petitioner and the petitioner is involved in two more cases out of which, he is on bail in one case but he is in custody in another case.

Learned counsel for the petitioner in rebuttal has submitted that nothing more is to be recovered from the petitioner and even the said recovery for Rs. 7,000/- is of money which could have been recovered without the same being the money which is allegedly stolen.

Keeping in view the above said facts and circumstances, more so the fact that in the present case, it is the complainant who himself sat in the car in question and has stated that there are three persons involved and thus the implication of four persons indicates that one person is innocent and the petitioner is not even named in

the FIR and also the fact that the challan has already been presented and there are 11 witnesses and they have not been examined as yet and the charges have not been framed and the trial of the case is likely to take a long time, this Court is of the view that the present petition deserves to be allowed and accordingly, the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate subject to the condition that he is not required in any other case.

Hence, the present petition is allowed.

Nothing stated above shall be construed as an expression of opinion on the merits of the case.

10.09.2021
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(VIKAS BAHL)
JUDGE

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