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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.12397 of 2021 (O&M)

Date of decision: 24.03.2021

Rakesh

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Pankaj Bali, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.224 dated 27.10.2020, for offence punishable under Sections 323, 341, 379-B, 34, 506 of the Indian Penal Code, 1860 (in short 'IPC') (Section 394 IPC has been deleted) registered at Police Station Kunjpura, Karnal, District Karnal.

Counsel for the petitioner has relied upon the order dated 23.02.2021 passed in CRM-M No.7856 of 2021 vide which the co-accused of the petitioner namely Vinod Kumar was granted the concession of bail, by passing the following order:-

“Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of complainant Sandeep, it is stated that he is the resident of District Saharanpur and had gone to Karnal for selling the crop and his tractor and trolley were forcibly taken away by some persons.

Learned counsel further submits that later on, the police arrested one Rakesh, from whom some recovery was effected, and on his disclosure, the petitioner was nominated as an accused in the present case.

Learned counsel further submits that the petitioner is not involved in any other case; he is in judicial custody since 30.10.2020; challan stands presented and conclusion of trial is likely to take a long time.

Learned counsel further submits that during investigation, Section 394 IPC stands deleted.

Learned State counsel has filed the custody certificate and has not disputed the factual position but opposed the bail. As per custody certificate, the petitioner is not involved in any other case and he is in judicial custody since 30.10.2020.”

Counsel for the petitioner has further submitted that the petitioner is also in judicial lock up since 27.10.2020 and he is not involved in any other case and the allegations against the petitioner are identical to the co-accused Vinod.

Counsel for the State has filed the Custody Certificate today in the Court and as per the Custody Certificate, the petitioner is not involved in any other case and has undergone judicial custody of about 04 months and 24 days.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last 04 months and 24 days; the co-accused of the petitioner is already released on bail; the petitioner is not involved in any other case; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time due to COVID-19 situation, this petition is allowed and the petitioner is directed to be released on bail subject to

his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

24.03.2021
yakub

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