

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M No.20121 of 2021
Date of decision:25.05.2021

Sukhraj Singh

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. S.K. Bishnoi, Advocate
for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana

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SUVIR SEHGAL J. (ORAL)

The Court has been convened through video conferencing due to Covid-19 pandemic.

Petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.614, dated 16.11.2019 registered under Sections 341, 342, 365, 395 IPC (Section 25 of Arms Act and Section 120-B IPC have been added later on) registered at Police Station City, Fatehabad, District Fatehabad.

FIR, Annexure P-1, has been registered on the complaint of Bablu Kumar on the allegation that on 15.11.2019 at about 9 pm an unnumbered vehicle intercepted the truck, which he was driving, and looted the occupants of truck.

Counsel for the petitioner submits that the allegations in the FIR have been levelled against unknown persons and the petitioner has been involved on the basis of his disclosure statement, which was

recorded in FIR No.83 dated 23.02.2020 lodged at Police Station City Dabwali on 13.03.2020. He submits that a supplementary statement of the complainant was recorded, wherein he gave the registration number of the vehicle, which blocked his truck and the said vehicle has been allegedly recovered from the petitioner. It is his argument that the disclosure statement of the petitioner recorded in police custody, is inadmissible in evidence. He submits that the petitioner has been granted the concession of regular bail in FIR No.83 dated 23.02.2020 by this Court vide order dated 18.11.2020 passed in CRM-M-21568-2020. He further submits that the investigation is complete, challan has been presented and the petitioner, who is in custody since 18.05.2020, who is no longer required for custodial interrogation.

Opposing the petition, learned State counsel upon instructions from SI Mahender Singh, submits that the recovery of the vehicle, in which the petitioner was travelling and a torch used in the crime, have been effected from him and the petitioner in his statement recorded during investigation has admitted his involvement in the offence. On the basis of the record, he submits that out of the seven accused, five have been arrested and proclamation proceedings against the remaining two accused have been initiated. As per his instructions, challan has been presented on 13.08.2020 and the trial is fixed for 01.07.2021 for consideration on the framing of charge.

I have considered the rival submissions of the parties.

The material collected by the prosecuting agency against the petitioner in the offence would remain debatable.

Keeping in view, nature of allegations, gravity of offence, period of incarceration of the petitioner, which by now is more than one year and the fact that the trial is likely to take time to conclude, no purpose would be served by keeping the petitioner behind bars any further.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

Petitioner shall furnish an undertaking to the effect that henceforth, he will not indulge in any criminal activity. In case the petitioner violates the undertaking, it shall be open for the prosecuting agency to seek cancellation of his bail.

25.05.2021

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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No