

136+227 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-21055-2021 in/and
CRM-M-23558-2021
Date of Decision: 19.07.2021

Jatinder Singh (@ Jitu) ...Petitioner

VS.

State of Haryana ...Respondent

Coram : Hon'ble Mr. Justice B.S. Walia.

Present: Mr. Gurpreet Singh Bhasin, Advocate for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

B.S. Walia, J. (VC)

CRM-21055-2021

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

2. Prayer in the application is for addition of offence under Section 120-B IPC, in the head note and prayer clause of the petition as also for grant of interim bail to the applicant-petitioner.

3. At the outset, learned counsel for the applicant-petitioner states that he does not press the application for grant of interim bail and the same may be dismissed as not pressed. As regards, addition of offence under Section 120-B of IPC, in the head note and prayer clause of the petition, the same is allowed. Registry to make necessary correction in the head note and prayer clause of the petition.

CRM-M-23558-2021

4. Prayer in the petition under Section 439 Cr.P.C. is for grant

of regular bail to the petitioner in case FIR No.0245 dated 14.04.2021, registered under Sections 411, 420, 467, 468, 471 and 120-B IPC, 1860, at Police Station Chandni Bagh, Panipat.

5. Learned counsel contends that the petitioner has been falsely implicated in the instant case solely on the basis of disclosure statement of co accused and that apart from the disclosure statement there is no other material to connect the petitioner with the commission of the offence, that the petitioner was arrested on 20.04.2021 and is behind bars ever since said date, investigation is complete, challan has been presented, trial is likely to take considerable period of time to conclude, therefore, no useful purpose would be served by keeping the petitioner in custody.

6. Instant FIR was registered on 14.04.2021, on the allegation that while on patrolling duty in village Ujha, SI Prem Singh along with other police officials, received secret information that one Sandeep was coming with a stolen Tata dumper bearing registration No.HR39D-8976, after changing its chassis number. On receipt of aforesaid information, barricades were laid and after some time, the dumper as referred to above was seen coming from Chautala Road, Krishi Vigyan Kendra. The aforesaid vehicle was got stopped and driver was interrogated, whereupon, he produced registration certificate of the vehicle bearing regd. No.HR39-D-8976, showing the same to be owned by Suresh Kumar son of Gulab Singh, resident of Moth Karnail Sahab, Hissar.

However, the registration certificate, chassis number and engine number

of the offending dumper did not tally with the chassis number and engine number engraved on the vehicle, therefore, FIR was registered, and investigation commenced whereupon, accused Sandeep on his arrest, made a disclosure statement naming three more accused namely Shera Mechanic, Chander Mohan alias Bhola and Om Parkash. Pursuant to the disclosure statement of accused, Sandeep, six more dumpers were recovered without any documents and the same were also taken into police possession on 17.04.2021. Accused, Chander Mohan alias Bhola was also arrested and thereafter on the basis of disclosure statement of said Chander Mohan alias Bhola, the petitioner was arrested on 20.04.2021.

7. Learned counsel refers to order dated 28.06.2021, passed by the learned Addl. Sessions Judge, Panipat, in the matter of Chander Mohan vs. State of Haryana, granting bail to him in which, the disclosure statement of accused, Chander Mohan was taken into account that registration certificates of four dumpers were got issued by Om Parkash from Bathinda, through him as also that he was in custody since 17.04.2021, investigation was complete and trial was likely to take long time to conclude and in view of no recovery having been effected from except for a sum of Rs.20,000/- and two copies of Aadhaar Cards of Sandeep and Kamal, said Chander Mohan was allowed regular bail. Likewise, Om Parkash son of Shimbhu was also claimed to have been granted bail vide order dated 17.06.2021, Annexure P/4, by the Court of the learned Addl. Sessions Judge, Panipat.

7. Per contra, learned DAG, Haryana, contends that the petitioner was implicated in the instant case on the basis of disclosure statement and he was instrumental in getting fake registration certificates prepared through officials of the RTA who were to be arrested. Learned Counsel for the petitioner on the other hand contends that the RTA officials are government servants and there is no impediment in joining them in investigation and arresting them in case of their involvement, the petitioner who is an employee of the co accused Chander Mohan has been falsely implicated, that petitioners wife is suffering from cancer besides he has two minor daughters and is the sole bread winner and there is no other male member in the family.

8. I have considered the submissions of learned counsel for the parties.

9. Admittedly, the petitioner has been implicated in the instant case on the basis of disclosure statement made by co-accused, Chander Mohan as per whom registration certificates of four dumpers were got issued by Om Parkash from Bhatinda through him, said Chander Mohan has already been released on regular bail, investigation of the case is complete, challan has been presented, petitioner is in custody since 20.04.2021, only recovery made from him is of Rs.20,000/-, all the offences are triable by Magistrate, charges are yet to be framed, RTA officials are government servants and there is no impediment in joining them in investigation and arresting them in case of their involvement, besides, petitioners wife is suffering from cancer, he has two minor

daughters and is the sole bread winner and there is no other male member in the family and trial would take considerable period of time to conclude, therefore, no useful purpose would be served by keeping the petitioner in custody.

10. Accordingly, in the light of the position noted above, the petition for regular bail is allowed and the petitioner is ordered to be released on regular bail during the pendency of the trial, subject to his furnishing bail / surety bonds to the satisfaction of the learned CJM / Trial Court / Duty Magistrate, concerned, provided he is not required in any other case. The petitioner shall abide by the conditions contained in Section 437(3) Cr.P.C. However, it is made clear that in case the petitioner is involved in any other case during the period he is on bail in the instant case or interferes with the investigation in any manner, the prosecution would be at liberty to move an application for cancellation of bail granted to the petitioner in the instant case.

11. However, nothing stated hereinabove shall be taken as an expression of opinion on the merits of the case.

(B.S. Walia)
Judge

19.07.2021
'Rajesh'

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