

CRM-M-24311-2021 and
CRM-M-25058-2021

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-24311-2021
Date of decision: 14.07.2021

(I)
Rajender Garg

.....Petitioner (s)

V/s.

State of Haryana

.....Respondent(s)

CRM-M-25058-2021

(II)
Shyam Lal

.....Petitioner (s)

V/s.

State of Haryana

.....Respondent(s)

CORAM: - HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Ashit Malik, Advocate, for the petitioner
in CRM-M-24311-2021.

Mr. I.S. Pabla, Advocate, for the petitioner
in CRM-M-25058-2021.

Mr. Naveen Singh Panwar, Deputy Advocate General, Haryana.

JASGURPREET SINGH PURI, J.

Both these two petitions are taken up together since the same are arising out of the same FIR, filed under Section 439 Cr.P.C for grant of regular bail to the petitioners in case bearing FIR No.178 dated 05.06.2021, under Sections 120B/379/411/420/467/468/471 of Indian Penal Code, 1860, registered at Police Station Sector-6, Bahadurgarh, District Jhajjar.

Learned counsel for the petitioner in both the cases have submitted that during the checking by the police one Canter bearing registration No. HR-63E-8742 make Eicher was stopped and searched and the driver of the Canter disclosed his name as Amit son of Ravinder Parsad Singh, resident of Darbara Dang, District Muzffarpur and stated that the aluminum scrap is loaded in the vehicle and when the aluminum scrap on the top was removed and checked, complete big bundles of new wires both thin and thick wires of Electricity Dpeartment were found and on enquiry the aforesaid Amit could not explain. Thereafter, Amit also told that he had brought the aforesaid bundles from one of the petitioners namely Rajender Garg from a godwon near Shahabad Dairy and Rajender Garg (petitioner) had handed over the documents to him. It was found that the material loaded in the Canter was not scrap but were bundles of the Electricity Department. Thereafter, some officers of Electricity Department were also called who had also inspected and they also stated that it cannot be termed as a scrap.

Mr. Ashit Malik, learned counsel for the petitioner in CRM-M-24311-2021 has stated that so far as the present petitioner namely Rajender Garg is concerned the petitioner is dealing in the business of scrap for long period of time and the vehicle which was apprehended does not belong to the petitioner and even the contents in the Canter did not belong to the petitioner nor it was supplied by the petitioner to anybody. He submitted that the driver falsely took the name of the petitioner and in this way he was nominated in the FIR. He further submitted that the investigation of the case is already complete and the challan has already been presented in the competent Court on 08.07.2021 and nothing is to be recovered from the petitioner and the

petitioner is in custody from 05.06.2021. The trial of the case would take long time to conclude and no useful purpose would be served in case the petitioner is kept in custody. He has further submitted that the petitioner is not involved in any other case.

Mr. I.S. Pabla, learned counsel for the petitioner Shyam Lal in CRM-M- 25058-2021 has stated that so far as the petitioner Shyam Lal is concerned, the same was not named in the FIR and was nominated later on. He has also taken up a stand that petitioner Shyam Lal is in the business of scrap for the last more than 25 years and is having all types of licenses including GST number and merely on the basis of statement of one of the co-accused that the name of the petitioner has been nominated. He was neither the owner of the Canter which was apprehended nor he had any connection with the material which was recovered from the Canter. He submitted that he is in custody since 14.06.2021 and challan has been presented after completion of investigation. He further submitted that the petitioner is not involved in any other case except for one case under Section 323 IPC.

On the other hand, Mr. Naveen Singh Panwar, learned Deputy Advocate General, Haryana has submitted that a Canter was apprehended and the driver had stated that it was containing aluminum scrap but some bundles of new wires were also found. Learned State counsel has not disputed the custody period of the petitioners and he has not disputed the fact that the investigation of the case has already been completed and the challan has already been presented. He has however opposed the grant of bail on the ground that the offence is against the Government and loss has been caused to the Electricity Department.

I have heard the learned counsel for the parties.

The custody of the petitioners is not in dispute and it is also not disputed that the investigation of the case is already complete and challan has been presented in the competent Court. The petitioners are also stated to be not involved in any other case except for one case against petitioner in CRM-M-25058-2021 under Section 323 IPC and as per the learned counsels, no recovery has been effected from the petitioners. Furthermore, it is not the case of the State that in case the petitioners are released on bail then they may influence any witness or may tamper with any evidence or may flee from justice.

Therefore, without commenting on the merit of the case and considering the totality of circumstances, both the petitions are allowed. The petitioner in both the petitions shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/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 petitions only.

(JASGURPREET SINGH PURI)
JUDGE

14.07.2021
rakesh

whether speaking	:	Yes/no
whether reportable	:	Yes/no