

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-25490-2021

Date of Decision:09.07.2021

Pardeep And Anr

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Abhimanyu Singh, Advocate, for the petitioners.

Mr. Vishal Kashyap, AAG, Haryana
assisted by SI Ranveer Singh.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioners have approached this Court seeking grant of regular bail in respect of a case registered against them vide FIR No.970 dated 02.12.2019 at Police Station Bhiwani Sadar, District Bhiwani, under Sections 34/379-A of IPC.
2. The FIR was lodged at the instance of Ramchandrar, wherein it is alleged that on 02.12.2019, he had withdrawn an amount of Rs.2 Lakhs from his bank account in State Bank of India, near old Anaj Mandi, Charkhi Dadri and after withdrawing the same, when he was proceeding towards Narsinghwas, then 2 young boys came on a motorcycle and snatched the plastic bag, which was being carried by him containing cash.

3. Learned counsel for the petitioners has submitted that they have falsely been implicated in the instant case and that in fact the police had been trying to pressurize petitioner No.1 and to settle scores with him, as it was at his instance previously that some police officials came to be prosecuted. Learned counsel, in this regard, has submitted that petitioner No.1 was involved as an accused in FIR No.155 dated 13.4.2013 registered at Police Station Dadri City, District Bhiwani, under Section 25(54) of the Arms Act (Annexure P-4) and that when the matter was got thoroughly investigated, it was found that petitioner No.1 had indeed falsely been implicated at the instance of ASI Dashrath, SI Subhash Chand, Head Constable Surinder and Constable Anil Kumar, as would be evident from the report of the Superintendent of Police, Bhiwani, dated 26.12.2013 (Annexure P-8). It has further been submitted that the aforesaid 4 officials were ordered to be charge-sheeted vide order dated 06.09.2016 passed by learned SDJM, Charkhi Dadri (Annexure P-10) and on account of which not only the aforesaid police officials, but even their colleagues had continuously been involving petitioner No.1, in one case or the other and that is why as many as 11 cases are stated to be registered against him though in all the said cases, he has been involved on the basis of disclosure statement/s and is nowhere specifically named in the FIR.
4. Learned counsel has submitted that as far as the petitioner No.2 is concerned, he has also been falsely involved in the instant case, as he happens to be brother-in-law of petitioner No.1-Pardeep against whom the police is inimical. It has, thus, been submitted that the

- petitioners, who had now behind bars since the last about 6 months, deserve the concession of bail.
5. Opposing the petition, learned State counsel has submitted that the petitioners No.1 & 2 are habitual offenders having been involved in as many as 11 & 10 cases respectively and as such no case for grant of bail is made out.
 6. I have considered rival submissions addressed before this Court.
 7. The cases in which petitioner No.1 Pardeep has been involved are the cases which were registered after registration of FIR (Annexure P-4) i.e. after the year 2013. It is also not disputed that the petitioners are nowhere named in the said FIRs and have been implicated on the basis of disclosure statements. In these circumstances, the veracity of the cases of the prosecution would certainly be debatable. Since the petitioners have already been behind bars for a substantial period of about 6 months, further detention of the petitioners will not serve any useful purpose. The petition, as such, is accepted and the petitioners are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
 8. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

09.07.2021

VY/Vimal

(GURVINDER SINGH GILL)**JUDGE**

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