

CRM-M-25893-2021 (O&M)

THROUGH VIDEO CONFERENCE

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

**CRM-M-25893-2021 (O&M).
Decided on: September 29, 2021.**

Pardeep and another

.. Petitioners

VERSUS

State of Haryana

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.Abhimanyu Singh, Advocate,
for the petitioner.**

**Mr.Ranvir Singh Arya, Addl. Advocate General,
Haryana.**

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure, seeking regular bail in FIR No.152 dated 13.07.2020, under Section 379-A/34 of IPC, 1860 registered at Police Station Dadri City, District Charkhi Dadri, Haryana.

The learned counsel for the petitioners has submitted that in the present case the petitioners were not named in the FIR and thereafter both the petitioners were arrested on the basis of suspicion. He has submitted that as per the FIR two persons had come on a motor-cycle and had snatched

the bag from the complainant which contained Rs.75,000/-. The learned counsel for the petitioners has further submitted that, in fact, both the petitioners were falsely implicated in the present case. According to the learned counsel for the petitioners in the year 2013, petitioner No.1 was falsely implicated in one case bearing FIR No.155 dated 13.04.2013, wherein he was tortured by the police and he made an application before the learned Judicial Magistrate for his medical examination and vide order dated 14.04.2013 (Annexure P-3), the learned Judicial Magistrate had directed the SMO Charkhi Dadri, to constitute a Board of two Doctors to conduct the medical examination of petitioner No.1 and vide Annexure P-5, which is a medico legal report, number of injuries were found on the body of petitioner No.1, and thereafter vide Annexure P-6, a letter was written by the Superintendent of Police, Bhiwani to the Director General of Police, Haryana Human Rights Commission, wherein it has been stated that the alleged recovery from the petitioner was found to be false and the then Sub-Inspector, Subhash Chander was demanding Rs.50,000/- from him for not registering the case against him and for this purpose, recovery of pistol was shown by him and recommendation was made for registering a case against the police officials. The learned counsel has further submitted that thereafter, the police has developed enmity with the petitioners. Petitioner No.2 is stated to be brother-in-law of petitioner No.1 and it was due to this reason that number of FIRs were lodged against the petitioners in District Bhiwani and in all of them, the petitioners were falsely implicated and in some of the FIRs, both the petitioners who are related to each other have been made accused on the basis of disclosure statements/suspicion. Learned counsel has further

CRM-M-25893-2021 (O&M)

submitted that in view of this background, in two of the cases, the petitioners have been granted bail considering the background that the petitioners are now being implicated due to enmity with the Police. Learned counsel has further referred to the bail orders passed by this Court in CRM-M-25490-2021 and CRM-M-29079-2021. He has submitted that the petitioners are in custody since 11.02.2021 and the investigation of the case is already complete and challan has already been presented but the charges are yet to be framed. He has, therefore, submitted that the petitioners may be considered for the grant of regular bail.

On the other hand, Mr. Ranvir Singh Arya, learned Addl. Advocate General, Haryana, has submitted that the petitioners do not deserve the concession of regular bail in view of the fact that petitioner No.1 is involved in as many as nine other cases and petitioner No.2 is also involved in nine other cases. He has referred to the reply filed by the State in this regard wherein the details of these cases have been mentioned. He has, therefore, prayed for the dismissal of the present petition.

I have heard the learned counsel for the parties.

The custody period of the petitioners is not in dispute and it is also not in dispute that the investigation of the case is already complete and challan has been presented before the competent Court. The arguments raised by the learned counsel for the petitioners that after the year 2013, when petitioner No.1 was falsely implicated in FIR No.155 dated 13.04.2013 registered at Police Station Dadri and in which it was found that the police had not only tortured the petitioner No.1, but it was also found on an inquiry that false FIR was registered against petitioner No.1 and consequently, the

present chain of FIRs have been lodged against him in the same District would certainly carry some weight. One such illustration can be enough to understand and appreciate the arguments raised by the learned counsel for the petitioners. In the affidavit filed by the State number of FIRs have been mentioned in para No.2 wherein petitioner No.1 is stated to be involved. Surprisingly, FIR No.155 dated 13.04.2013, wherein, petitioner No.1 was allegedly tortured and in which on inquiry it was found that the petitioner No.1 is innocent and action was taken against the Police Officers, does not find mention in the list, which has been stated by the State. No justifiable explanation has come forth as to why the aforesaid FIR has not been mentioned in the list. The entire case of the petitioners is dependent upon that FIR as it is argued that because of the false implication of petitioner No.1 in that FIR, the subsequent chain of FIRs were lodged against him including the present one. The active concealment of the aforesaid FIR by the State further raises a suspicion with regard to the involvement of the petitioners in the present case.

Be that as it may, the petitioners are in custody since 11.02.2021 and the investigation of the case is already complete and no recovery is to be effected from them and since the trial of the case may take long time, this Court is of the considered opinion that the petitioners are entitled for the grant of regular bail.

Consequently, the present petition is allowed. It is ordered that the petitioners shall be released on bail on furnishing bail bonds/surety bonds 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 only for the purpose of decision of present petition.

September 29, 2021.	(JASGURPREET SINGH PURI)
raj arora	JUDGE
Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No