

CRM-M-26274-2021 (O&M)

THROUGH VIDEO CONFERENCE

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

**CRM-M-26274-2021 (O&M)RB.
Decided on: August 5, 2021.**

Karnail Singh

.. Petitioner

VERSUS

State of Haryana

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.Sandeep Kotla, Advocate,
for the petitioner.**

Mr.Naveen Singh Panwar, DAG, 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.206 dated 22.5.2021, under Sections 420 and 171 IPC, registered at Police Station Butana, District Karnal.

As per the FIR, the police party got a secret information that 4 boys were coming in Eon Car and they were alluring people for doubling the money and doing the business of the same and when the police stopped the car, two boys were apprehended who disclosed their names as

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Arvind Kumar and Karanpal and also disclosed the names of other two persons both of whom were named as Ajay. Some currency notes were also recovered from the car along with counting machine and card board boxes.

Learned counsel for the petitioner has submitted that the petitioner was not named in the FIR and he was nominated on the basis of disclosure statement made by co-accused which is not admissible in evidence. He has submitted that even otherwise also the petitioner is in custody since 25.5.2021 and the investigation of the case is complete and challan has been presented on 28.7.2021 and no recovery is to be made from the petitioner. Since conclusion of trial of the case will take long time, the case of the petitioner may be considered for the grant of regular bail.

On the other hand, learned State counsel has submitted that it is correct that the petitioner is in custody since 25.5.2021 and after completion of investigation, the challan has been presented. He has submitted that when the petitioner was arrested, Rs.2000/- were recovered from him along with a police uniform and therefore, he has opposed the grant of regular bail to the petitioner.

Replying to the arguments raised by the learned State counsel, it has been contended by the learned counsel for the petitioner that so far as recovery of Rs.2,000/- is concerned, that would not become a ground for denial of bail to the petitioner in view of the fact that said currency note has not been got compared with the currency which has been recovered from the other co-accused and furthermore, so far as recovery of police uniform is concerned, the said uniform was only of a Chowkidar and

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police is deliberately interpreting the same as uniform of police.

I have heard the learned counsel for the parties.

The custody period of the petitioner is not in dispute. It is also not in dispute that the investigation of the case is already complete and challan has also been presented and no recovery is to be made from the petitioner and the petitioner is not involved in any other case. It is not the case of the State that in case the petitioner is released on bail then he may tamper with any evidence or may influence any witness or may flee from justice. Since the challan has been presented on 28.7.2021, the conclusion of the trial will take long time.

Therefore, considering the totality of the circumstances, the present petition is allowed. It is ordered that the petitioner shall be released on bail on furnishing bail bond/surety bond to the satisfaction of the 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.

August 5, 2021.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No