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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-26940-2021(O&M)

Date of Decision: 29.09.2021.

Vijay Kumar

...Petitioner

vs.

State of Haryana

...Respondent

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

Present: Mr. Raman Chawla, Advocate for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

B.S. Walia, J. (Oral)

1. Prayer in the petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No. 27 dated 17.01.2021 registered under Sections 395, 397, 120-B Indian Penal Code, 1860 at Police Station Sadar Hisar, District Hisar.
2. Learned counsel contends that the petitioner has been implicated in a false case and was not even present at the place of incident and has been implicated in the case solely on the basis of disclosure statement of co-accused Devinder, who stated that he and the petitioner had met a few days prior to the incident at Sirsa, where the petitioner had informed him that gold was being transported by Sushil and that the same could be snatched and further on the day of incident, the petitioner had made a call on *WhatsApp* informing him of the departure of the vehicle carrying gold from Chandigarh airport. Learned counsel contends that the looted gold was recovered from co-accused, Devinder while Rs.1000/- was recovered from the petitioner, challan has been filed, the petitioner is in custody since 26.01.2021, trial would take considerable period of time,

co-accused who looted the gold has been released on regular bail vide order dated 13.09.2021 passed by the learned Additional Sessions Judge, Hisar, besides, compromise Annexure P-2 has been entered into with the complainant for quashing of FIR by filing a petition before this Court.

3. Learned DAG, Haryana confirms that apart from the disclosure statement and recovery of Rs. 1000/-, there is no other material to connect the petitioner with the commission of the offence, challan has been presented on 18.03.2021, though charges are yet to be framed, petitioner is in custody since 26.01.2021, and compromise Annexure P-2 has also been entered into between the parties for quashing of the FIR by filing a petition before this Court.

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

5. Admittedly, the petitioner is in custody since 26.01.2021 and challan has been presented, though charges are yet to be framed, co accused who is alleged to have looted the gold has been released on regular bail by the learned Sessions Court, besides a compromise is also stated to have been entered into between the parties. In the circumstances, I am of the considered view that no useful purpose would be served by keeping the petitioner behind bars. Accordingly, the petition for regular bail is allowed and the petitioner ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of the learned trial Court / Chief Judicial Magistrate / Illaqa Magistrate 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 while he is on bail in the instant case, the prosecution would be at liberty to move an application for cancellation of bail granted to the petitioner in the instant case.

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

8. Petition allowed in the aforementioned terms.

(B.S. Walia)
Judge

29.09.2021
'rajesh-seema'

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