

CRM-M-29422-2021

Date of decision: 06.09.2021

HAPPY

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Anuj Arya, Advocate
for the petitioner.

Mr. Amrik Singh Narwal, DAG, Haryana.

*(The case has been taken up through video conferencing on
account of Covid-19 Pandemic)*

VIVEK PURI, J. (ORAL)

Happy -petitioner is seeking regular bail in the case bearing FIR No. 60 dated 07.02.2020 under Sections 420/467/468/471 and 120-B IPC, registered at Police Station DLF, District Gurugram.

Precisely, the case has been registered in pursuance of the raid conducted at a shop from where the Happy-petitioner along with co-accused namely Chitranjan Yadav and Ashish were apprehended. Aadhar Card preparing kit, laptop, printer, blank aadhar cards and prepared aadhar cards were recovered.

It has been contended by the learned counsel for the petitioner that the shop has been rented out to Chitranjan Yadav, co-accused who is actually running the shop, the petitioner is working as a Water Boy and was employed on the shop only two days prior to the day of occurrence. The arrest of the petitioner was effected on 07.02.2020, the investigation of the case is complete, the challan has already been presented in the Court, the offences are triable by the Judicial Magistrate 1st Class and the petitioner is not involved in any other case.

On instructions of ASI Arvind, learned State counsel has not

disputed the aforesaid factual aspects but has disputed the fact that the petitioner is only working as a Water Boy and argued that he was also present in the shop when the recoveries were effected.

In the case in hand, the arrest of the petitioner was effected on 07.02.2020, he is stated to be working as Water Boy having no effective control over the management and the affairs being run in the shop, the investigation of the case is complete, the challan has already been presented in the Court, the offences are triable by the Judicial Magistrate 1st Class, the petitioner is not involved in any other case, the charges are yet to be framed and the conclusion of the trial is likely to take time. As such, no fruitful purpose will be served by detaining the petitioner in further custody and sufficient mitigating circumstances are made out to extend the concession of the bail to the petitioner.

Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

The petition is allowed accordingly.

06.09.2021
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(VIVEK PURI)
JUDGE

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