

CRM-M-29311-2021 (O&M)

THROUGH VIDEO CONFERENCE

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

**CRM-M-29311-2021 (O&M).
Decided on: July 30, 2021.**

Rajesh @ Raja

.. Petitioner

VERSUS

State of Haryana

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.Rahul Deswal, Advocate,
for the petitioner.**

Mr.Bhupender Singh, 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.531 dated 24.6.2014, under Sections 386 IPC and under Section 25 of the Arms Act, 1959 (Section 25 of the Arms Act is deleted and 27/54/59 of the Arms Act is added later on in final report under Section 173 Cr.P.C.) registered at Police Station City Jind, District Jind.

Learned counsel for the petitioner has submitted that it is a case where the petitioner was named in the FIR along with two more

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accused and during pendency of the case the petitioner was declared as a proclaimed person. He has submitted that at that point of time the petitioner was never served with the notice by the Court and rather vide Annexures P-3 and P-4, the Process Server had reported that the petitioner has not come to the village since long time and the pendency of the proceedings was not in the knowledge of the petitioner. However, suddenly the petitioner was arrested by the police and was taken into custody on 12.06.2021. He has submitted that so far as another co-accused namely Kala @ Parmod is concerned, the trial commenced against him and he has since been acquitted vide Annexure P-8 by the learned trial Court. Learned counsel has referred to the judgment in Annexure P-8 wherein the complainant namely Vijay who deposed as PW-4 had stated before the learned trial Court in his deposition that he does not know the accused and neither any demand has been raised by anyone nor any application/complaint was given to the police by him. He has submitted that the entire case was bogus and that is the reason why the other co-accused have been acquitted and rather the complainant has himself stated before the learned trial Court that nobody raised any demand from him and that he has never made any application to the police and therefore, it is crystal clear that the petitioner was falsely implicated in the present case. He has submitted that the fact that earlier the petitioner was declared as a proclaimed offender may not come in his way for the grant of regular bail in view of the fact that he was not aware of the P.O. proceedings or the pendency of the FIR because there was no cause of action for lodging the FIR which has now become clear from the deposition

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made by PW-4 Vijay before the learned trial Court who was the complainant of the FIR. Apart from the same even the Process Server has submitted that the petitioner does not reside in the village the address of which was given.

Learned State counsel has submitted that it is correct that the petitioner was arrested on 12.06.2021 and another co-accused namely Kala alias Parmod has since been acquitted by the learned trial Court. However, he has submitted that the petitioner was involved in four other cases.

While replying to the above contention of the learned State counsel, learned counsel for the petitioner has submitted that the petitioner has been acquitted in all those four cases and those cases were also falsely planted upon the petitioner.

I have heard the learned counsel for the parties.

The basic subject matter of the FIR was that the petitioner along with two other persons had come to meet the complainant and all of them were carrying weapons and they started demanding Rs.3 lacs from him and granted him 2 days and threatened to kill him in case he did not accede to their demand. However, the complainant himself while deposing before the learned trial Court as PW-4 has stated that nobody had demanded any money from him and he has not given any application/complaint to the police. Furthermore, 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.

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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.

July 30, 2021.	(JASGURPREET SINGH PURI)
raj arora	JUDGE
Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No