

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-35004-2021

DATE OF DECISION: NOVEMBER 15, 2021

JASVINDER @ BUNTY

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. SANJEEV BISHNOI, ADVOCATE FOR THE PETITIONER.
KANWAR SANJIV KUMAR, AAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.540 dated 25.11.2020, under Section 379-A, 506 IPC (Section 379-B, 411, 34 IPC, added later on), Police Station Sonipat Sadar, District Sonipat. The petitioner is in custody since his arrest on 28.11.2020.

The allegations contained in the FIR as noticed by the Sessions Judge, Sonipat, in the order dated 7.6.2021, are as under:-

The brief facts for disposal of this bail application, as mentioned in the police reply filed through SHO Police Station Sadar, Sonipat are that the present case was registered on the basis of complaint made by Sunny son of Ram Chander with the allegations that he is running a business of transport and on the night of 24.11.2020, at about 01.00 p.m., he had sent 36 tonnes of paddy in his Truck Tralla bearing registration No.HR56-B-8231 from Grain Market, Kharkhoda to G.V. Rice Unit, Tarawari, Karnal. The truck Talla was being driven by Ashish son of Layak Singh. At about 03.00 a.m., the complainant

was informed by driver Ashish that he had stopped the truck opposite the shop of Shyam Perewala on KharkhodaSonipat Road for purchasing tobacco. Subsequently, when he was boarding the truck, one boy with Haryanavi ascent forcibly boarded the truck from the driver side and tried to snatch the key of the truck. The driver Ashish fled away from the spot alongwith the key towards the go-down of Shyam Parewala. He was chased by the boy referred above. Subsequently, that boy man-handled the driver and forcibly took the key of truck after giving beatings to him and threatening to kill him. Thereafter, he fled with the truck and the paddy.

During investigation, the truck along with the paddy was found to have been recovered from applicant/accused Jaswinder alias Bunty and co-accused Babli by the police of Garh Mukteshwar, UP on 26.11.2020. Accordingly, applicant-accused and co-accused Babli were joined in the investigation of this case on 10.12.2020. During interrogation, they suffered disclosure statements that the truck along with paddy was snatched by applicant/accused in pursuance of the conspiracy between them. After completion of necessary proceedings of the investigation, report under Section 173 Cr.P.C. has been filed.

Learned counsel for the petitioner contends that the petitioner is not named in the FIR, who has been falsely implicated in the present FIR. He further submits that no recovery has been effected from the petitioner and it is only on the disclosure statements suffered by the co-accused that the petitioner has been roped-in in the present case, and no test identification parade has been conducted in order to ascertain the identity of the accused.

According to him, the charges have been framed, but trial would consume

some time to conclude, therefore, the petitioner be released on regular bail during the pendency of the trial.

On the other hand, learned counsel for the State assisted by SI Dharambir has opposed the aforesaid prayer on the ground that the stolen truck was recovered from the accused and separate FIR No.523/2020 under Section 411 IPC, Police Station Garhmukteshwar, Hapur, also stands registered against him. In this regard, he has produced the custody certificate dated 11.11.2021, by way of affidavit of Ramniwas, Deputy Superintendent, District Prison, Sonipat.

Considering the above and the nature of offences, this Court is not inclined to extend the concession of regular bail to the petitioner at this stage. The argument that no test identification parade has been conducted to establish his identity may not be relevant at this stage as the trial has not commenced and the material witnesses are yet to be examined.

Resultantly, without expressing any opinion on the merits of the case, the petition is dismissed.

November 15, 2021
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No