

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.33731 of 2020 (O&M)

Date of Decision: March 18, 2021

Pardeep Kumar @ Sarwan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Priyavrat Parashar, Advocate for
Ms. Monika Jangra, Advocate,
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

MANOJ BAJAJ, J. (Oral)

CRM-3220-2021

Application is allowed. Documents are taken on record.

CRM-M-33731-2020

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.130 dated 08.05.2019, under Sections 323, 397, 506, 34 IPC, 1860 and Section 25 Arms Act, 1959, registered at Police Station, Cheeka, District Kaithal. The petitioner is in custody since his arrest on 23.06.2020.

The above FIR was registered on the statement of Pargat Singh with the allegations that when he was going to new grain market, Kaithal road from his shop for giving Rs.2,00,000/-, and he reached in the market,

the culprits came behind him on their motorcycles, who brought their motorcycle in front of his car to stop him. As the complainant came out, the culprits started beating him. Kashmir Singh @ Nuniya took out desi katta from his dub and hit at complainant's back three times. One of the culprits, gave iron rod blow on his leg. When the complainant fell down, then all the three accused took away a sum of Rs.2,00,000/- from the car. When the persons gathered there, Kashmir Singh ran away from the spot along with 4/5 accused with weapon. Nuniya also snatched golden chain of three tolas from the complainant. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner has argued that the co-accused, namely, Kashmir Singh @ Nuniya @ Kashmira has already been released on bail by the trial court vide order dated 23.09.2020 (Annexure P-3). Learned counsel, during the course of hearing, has also produced the copies of the orders dated 19.02.2021 and 16.03.2021, whereby the petitioner was granted interim bail, as he lost his brother and father on 19.02.2021 and 15.03.2021, respectively. He submits that the investigation of the case is complete, therefore, the further detention of the petitioner may not be necessary. Learned counsel further submits that the petitioner is to perform the last rituals of his father, therefore, he be released on bail.

On the other hand, the prayer is opposed by the learned State counsel, assisted by SI Suresh Kumar on the ground that the petitioner is involved in other cases of theft etc. He has produced the custody certificate of the petitioner by way of affidavit of Surender Kumar, DSP, Deputy Superintendent, District Prison, Kaithal. However, it is not disputed that his co-accused is on bail and the investigation in the case is complete.

After hearing the learned counsel for the parties and considering the fact that similarly situated co-accused of the petitioner has already been released on regular bail by the trial court, this Court is of the opinion that the further custody of the petitioner may not be necessary for any useful purpose, who is presently confined in judicial custody after his arrest on 23.06.2020. Further, the prosecution is yet to examine its witnesses and it may take considerable time to conclude the trial.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Kaithal.

March 18, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No