

240

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

CRM-M No. 38956 of 2021
Date of Decision: 22.09.2021

Santosh

-Petitioner

Versus

State of Haryana

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Punit Malik, Advocate,
for the petitioner.

Mr. Rajat Gautam, D.A.G., Haryyana.

RAJ MOHAN SINGH, J. (Oral)

The case has been taken up for hearing through video-conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.487 dated 29.07.2017 registered under Sections 379 IPC (Offences under Sections 419, 420, 467, 468, 471, 120-B, 201 IPC added later on) at Police Station DLF Phase-II, Gurugram.

FIR was registered at the instance of Deepak Kumar with the allegations that 12-13 days ago, his brother called him from his mobile and asked to fix a generator at a park for the welfare of Kanvarias i.e. pilgrimage of shiv devotees. The

complainant fixed a generator in a tent at Bio-Dustik Park, Nathupur. When the boys reached at the site at 06.00 PM, they did not find the generator in place. The generator could not be located thereafter. The generator was of 125 KVA with marka Kriloskar and the same was stolen by some unknown person. After registration of FIR, co-accused Amar Singh was arrested. Amar Singh made a disclosure statement regarding complicity of the petitioner. One person by the name of Santosh was facing trial in Delhi and was taken on production warrant in the present case who stated that he is not the real culprit. The said Santosh named the present petitioner, that is, how, petitioner has been nominated in the present case and is in custody since 11.02.2021.

Learned counsel for the petitioner submits that after the arrest of Amar Singh, recoveries have been effected from him. No recovery has been effected from the petitioner.

Challan has already been submitted.

Offence is triable by Magistrate.

Learned State counsel submits that after grant of bail to Amar Singh and the person by the name of Santosh who was taken on production warrant have not attended the trial proceedings and are at the verge of being declared as proclaimed offenders.

Learned State counsel apprehends that the petitioner may also flee from justice if bail is granted to him.

Keeping in view the aforesaid facts, particularly in view of the fact that recoveries have already been effected from co-accused Amar Singh, no recovery has been effected from the petitioner, petitioner is in custody since 11.02.2021, offence is triable by Magistrate, challan has already been submitted, therefore, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released on regular bail, subject to his furnishing heavy bail bonds and heavy local surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

Nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

September 22, 2021

Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No