

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRM-M No.36073 of 2020 (O & M)

Date of decision:19.01.2021

Satnam @ Kala

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Amit Choudhary, Advocate for the petitioner.

Mr. Abhinash Jain, DAG, Haryana.

SUVIR SEHGAL J. (ORAL)

The Court has been convened through video conferencing due to Covid-19 pandemic.

Petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.228, dated 10.05.2020 registered under Sections 34, 379-A and 420 IPC, 1860, (Sections 468, 471 IPC added later on) at Police Station City Fatehabad, Fatehabad.

Counsel for the petitioner has argued that the story as put-forth by the complainant is improbable. He submits that the allegation against the petitioner is that he had been repeatedly calling the complainant on his mobile and inducing him to invest money with the allurements that amount would be doubled. Counsel argues that the mobile numbers mentioned in the FIR do not belong to the petitioner and the prosecution has failed to connect the numbers with the petitioner. He contends that the offences under Section 468 and 471 IPC do not pertain to the petitioner as the allegation is that co-accused Balraj had changed the number plate of the car, in which they had come to collect the money from the complainant. Still further, it is his contention that the alleged snatching of the amount from the complainant could not have been done by

both the accused at the same time. Insofar as his antecedents are concerned, counsel for the petitioner has referred to para 6 of the petition and submitted that though the petitioner is involved in six other criminal cases but he stands acquitted in 03 cases and is on bail in the remaining cases, which are pending trial. He submits that the recovery of the alleged snatched amount has been effected, challan has been presented and the petitioner is no longer required for custodial interrogation.

Per contra, learned State counsel upon instructions from SI Mahendra Singh, has opposed the petition. He has submitted that the petitioner along with his co-accused were arrested on the same day and the challan has been presented on 16.06.2020 though the charges are yet to be framed. He has argued that as the petitioner has a criminal bent of mind, he does not deserve the concession of regular bail.

I have considered the rival submissions of the parties.

From a perusal of the narration given in the FIR, the involvement of the petitioner in the crime is debatable.

Considering the above facts and circumstances, the nature of allegations and gravity of offence, no purpose would be served by keeping the petitioner behind the bars any further.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

19.01.2021
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No