

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-37237-2020 (O&M)

Date of Decision: 28.01.2021

Rakesh @ Petha

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Ripudaman Singh Sidhu, Advocate,
for the petitioner.

Mr. Naveen Sheoran, Deputy Advocate General, Haryana.

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

CRM-28370-2020

The present application has been under Section 482 Cr.P.C. for placing on record order dated 18.08.2020 passed by this Court as Annexure P-2.

For the reasons mentioned in the application, the same is allowed and the document, Annexure P-2, is taken on record.

This application is disposed of accordingly.

Main Case

The present petition has been filed under Section 439 of the Code of Criminal Procedure, for grant of regular bail to the petitioner in FIR No.413 dated 01.11.2019, under Sections 379-A, 392 and 397 of the Indian Penal Code, (Section 397 IPC was added lateron) and Section 25 of the Arms Act, registered at Police Station Kundli, District Sonipat.

The learned counsel for the petitioner has submitted that in the present case, the petitioner was falsely implicated as the FIR was against unknown persons. He has further submitted that the aforesaid FIR was lodged on 01.11.2019 but no further progress in the investigation was made. He has further submitted that in fact the petitioner was arrested in some other FIR No.226 dated 07.06.2019 and he was released on bail by this Court on 18.08.2020 and when he was released by this Court, the petitioner was nominated and arrested on 20.08.2020. The learned counsel has further submitted that the State police has acted to nominate a person, who is otherwise involved in some other case, in order to justify their actions. He has further submitted that the challan in the present case has already been presented on 17.10.2020 and the petitioner is already on bail in the other three cases in which he was also falsely implicated. He has further submitted that the trial of the case may not progress due to Covid-19 epidemic and therefore, no useful purpose would be served in case, the petitioner remains behind the bars for a longer period.

Per contra, the learned State counsel has opposed the grant of regular bail on the ground that the petitioner is involved in the other three case. However, the custody of the petitioner is not disputed by the learned State counsel and it is also not disputed that the investigation in the present case is complete and the challan is already presented on 17.10.2020.

After hearing learned counsel for the parties and considering the fact that investigation of the present case is already complete and the challan is already presented and also that the petitioner is on bail in other cases, I deem it fit and proper to allow the present petition. Consequently, the

present petition is allowed. The petitioner shall be admitted to regular bail on his furnishing bail/surety bonds subject to the satisfaction of the learned trial Court/Duty Magistrate.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

28.01.2021
adhikari

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/non-speaking	:	Yes/No
Whether reportable	:	Yes/No