

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-39502-2020 (O&M)****Date of Decision: 05.02.2021**

Anil Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Deepak Chaudhary, Advocate,
for the petitioner.

Mr. Ramesh K. Ambavta, AAG, Haryana,
assisted by ASI Birmati.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.89 dated 15.04.2019 at Police Station Siwani, District Bhiwani, under Sections 395/366/342/34 IPC.
2. The FIR was lodged at the instance of Kuldeep Singh, wherein he alleged that he owns truck bearing registration No.RJ-10-GA-3420 and that on the night between 14/15.04.2019, his driver Liyakat was going on the truck in question from Siwani to Adampur after loading mustard seeds from Siwani. When he tried to contact him telephonically, he was unable to contact him. Later his driver contacted him through some other phone and informed that 4/5 persons had stopped his truck and had kidnapped him in an Alto

car and later thrown him in the fields. The complainant alleged that he arranged for a conveyance and managed to get his driver back, but his truck and 550 bags of mustard seeds were missing.

3. Learned counsel for the petitioner has submitted that he is nowhere named in the FIR and has been nominated as an accused on the basis of a disclosure statement made by co-accused Rohit, which can hardly carry any evidentiary value. It has further been submitted that since co-accused has already been granted regular bail, the petitioner deserves the concession of bail on the ground of parity as well.
4. Opposing the petition, learned State counsel has submitted that the petitioner is involved in 5 other cases out of which he stands convicted in one of them and two are still pending. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last 1 year and 9 months and that till date only 1 PW out of cited 19 PWs has been examined.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the nature of the allegations and the fact that the truck in question was recovered and challan already stands presented and while noticing that the petitioner in fact has been behind bars since the last about 1 year and 9 months, further detention of the petitioner will not serve any useful purpose as the conclusion of trial will take some time as only 1 PW out of cited 19 PWs has been examined so far. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of

learned trial Court/Chief Judicial Magistrate/Duty Magistrate
concerned.

05.02.2021
Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**