

216 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.40405 of 2020
Date of Decision:08.03.2021

RAM PHAL AND ANOTHER

...Petitioners

Versus

STATE OF HARYANA

..Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Amit Chaudhary, Advocate
for the petitioners.

Mr.Apoorv Garg, DAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

This is the second petition filed under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.260 dated 03.11.2019 registered under Sections 408 IPC, 1860 and Sections 341, 342, 365 and 395 IPC and Sections 25, 54 and 59 of the Arms Act (added later on) at Police Station Sadar Tohana, District Fatehabad.

Copy of status report dated 20.02.2021, by way of affidavit of Deputy Superintendent of Police, Tohana, filed in the Court, is taken on record.

Learned counsel for the petitioners states that the alleged occurrence took place on 03.10.2019, whereas the present FIR was got registered on 03.11.2019 i.e after a gap of one month, and that too against the driver of the vehicle at the initial stage. Later, the tractor was recovered on 12.11.2019 from an abandoned place and the complainant filed another

application on 19.02.2020, on the the basis of which, the petitioners were named in the present FIR. As far as, the other cases are concerned, both the petitioners are on bail in the said cases. The petitioners have been in custody since 20.02.2020.

Learned State counsel while opposing the prayer for bail states that keeping in view the criminal antecedents of the petitioners, they are not entitled to the concession of bail. However, he states that though the challan has been presented, the charges are yet to be framed.

I have heard the learned counsel for the parties.

The petitioners have been in custody since 20.02.2020. The challan has been presented but the charges are yet to be framed. The trial would take time to conclude and, thus, no useful purpose would be served by keeping the petitioners behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioners are ordered to be released on regular bail on their furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)

JUDGE

March 08, 2021

Jyoti-11 Whether speaking/reasoned Yes/No Whether Reportable Yes/No