

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-42235 of 2020
Date of decision: 23.03.2021

Shokeen

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Jashmed Ahmed, Advocate
for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

SUVIR SEHGAL, J. (Oral)

The petitioner is seeking regular bail in case FIR No.12 dated 20.01.2020 registered under Sections 341, 365, 395, 397, 34 of Indian Penal Code, 1860 and Sections 27(1) of Arms Act, 1959 at Police Station Bhondsi, District Gurugram.

The FIR has been registered on the complaint of Mustaq alleging therein that truck carrying sacks of Areca nuts (supari), which he was driving was snatched by some persons, who waylaid the vehicle in the early morning hours of 09.01.2020.

Counsel for the petitioner has submitted that the petitioner, who has unblemished antecedents, has been falsely framed in the case as he has not been named in the FIR. He submits that there is delay of 11 days in the registration of the case and the petitioner has been arrested on the basis of secret information, which is doubtful. He has placed reliance upon the order dated 07.08.2020 passed by a Co-ordinate Bench of this Court in CRM-M-

19817 of 2020 titled as 'Talim Vs. State of Haryana' (Annexure P-3) and order dated 08.10.2020 passed in CRM-M-30832 of 2020 titled as 'Saikul Vs. State of Haryana', (Annexure P-4), whereby, co-accused have been granted the concession of regular bail. He submits that the petitioner, who is in custody since 02.02.2020, is no longer required for custodial interrogation as the investigation is complete and the challan stands presented.

Per contra, State counsel upon instructions from ASI Deep Chand has opposed the petition. He has made a reference to the reply filed by way of affidavit dated 04.03.2021 of Assistant Commissioner of Police, Sohana, Gurugram, which is taken on record. He submits that 29 sacks of “supari” were recovered from the petitioner out of the 334 sacks which were being carried in the truck. The motorcycle used in the crime was also recovered from the petitioner. As per his instructions, the challan against the petitioner has been presented on 29.04.2020 and the next date before the trial Court is 26.03.2021.

I have considered the rival submissions of the parties.

From the facts and circumstances noticed above, the involvement of the petitioner in the crime is debatable.

Considering the period of incarceration which by now is more than 01 year and 01 month, nature of allegations, gravity of offence and the fact that the trial is likely to take time to conclude, no purpose would be served by keeping the petitioner behind 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 a reflection of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

March 23, 2021
savita

<i>Whether Speaking/Reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>