

In virtual Court

CRM-M-42932-2020

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-42932-2020 (O&M)
Date of decision: 04.01.2021

Lakhvinder @ Lakha

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. V.P. Singh, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.91 dated 14.04.2019 under Sections 364, 392 IPC, Section 25 of Arms Act and Sections 201, 342, 365, 395, 397, 412, 413, 414, 420, 467, 468, 471, 473, 120-B IPC (added later on), registered at Police Station Uklana, District Hisar.

Learned counsel for the petitioner relies upon the orders dated 05.11.2020 passed in CRM-M-54270-2019 and CRM-M-26379-2019, vide which two co-accused of the petitioner namely Kuldeep and Rattan have been granted the concession of regular bail. The operative part of the order reads as under: -

“The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular

bail in case FIR No.91 dated 14.04.2019 registered under Sections 25 of the Arms Act, 1959 and Sections 364 and 392 of the Indian Penal Code, 1860 (for short 'the IPC') in Police Station Uklana, District Hisar to which Sections 342, 365, 395, 397, 412, 413, 414, 420, 467, 468, 471 and 120-B of the IPC were added lateron.

The above said FIR was registered on statement of Trilok Chand. In his statement Trilok Chand alleged that on 11.04.2019 at about 7 p.m. trailer, owned by him driven by Rajesh, loaded with 18 MT iron girders started from Mandi Gobindgarh for Hansi. On 14.04.2019 at about 8 p.m. he received a telephonic call from Rajesh informing that when he reached near village Bithmada, four persons came in a black colour car and three of them on pistol point took him in the car while fourth one took his trailer towards Surewala Chowk. After about one hour he was thrown near canal of village Belrakha. Rajesh also told him that the above-said persons also snatched amount of Rs.20,000/- and mobile phone from him. Thereupon he (complainant) along with his son Yogesh reached the place where Rajesh was thrown and reported the matter to the police. The police investigated the case and on completion of investigation filed challan against the petitioner and his co-accused.

The petitioner, who is in custody since 08.05.2019 has filed the present petition for grant of regular bail.

The petition has been opposed by the learned State Counsel

in terms of reply filed by way of affidavit of Sh. Rohtash Singh, HPS, Deputy Superintendent of Police, Barwala, District Hisar and by learned Counsel for respondent No.2-complainant.

I have heard learned Counsel for the petitioner, learned State Counsel and learned Counsel for respondent No.2-complainant and have gone through the relevant record.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. The petitioner was not named in the FIR and was implicated on the basis of disclosure statement made by co-accused Mahipal. The petitioner has been falsely implicated in another case of similar nature without any cogent evidence against him. The alleged recovery has been falsely planted on the petitioner. Challan has been presented. The trial is likely to take long time due to restrictions imposed to prevent spread of infection of Covid-19 and no useful purpose will be served by further detention of the petitioner in custody during trial. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State Counsel and learned Counsel for respondent No.2-complainant have argued that the petitioner and his co-accused had committed robbery of the trailer and the girders loaded on the same and had snatched amount of Rs.20,000/- and mobile phone from Rajesh. Girders weighing 10.30 quintals were recovered from the petitioner. The petitioner is also involved in one more case of the similar nature. In view of

the gravity of offences, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

In view of the facts and circumstances of the case, nature of accusation and evidence against the petitioner, the period of his custody and the fact that the trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19 but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the petitioner.

Accordingly, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.”

Learned counsel for the petitioner submits that the petitioner was not named in the FIR and allegations against him are of similar nature as against aforesaid co-accused, who have already been granted the concession of regular bail. It is further submitted that the petitioner is in custody since 20.08.2019; challan stands presented and it will take long time in conclusion of the trial.

Learned State counsel has, however, opposed the prayer for bail on the ground that the allegations against the petitioner and his co-accused are serious in nature, as they have committed the robbery of trailer and girders loaded on the same and also snatched an amount of Rs.20,000/- and a mobile phone from Rajesh. It is further submitted that some recovery was also effected from the petitioner and he is involved in one more case.

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Without commenting anything on merits of the case, considering the fact that two aforesaid co-accused of the petitioner have already been granted the concession of regular bail and considering the long custody of the petitioner as well as COVID-19 situation in the country, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

**[ARVIND SINGH SANGWAN]
JUDGE**

04.01.2021

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No