

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-449-2021 (O&M)
Date of Decision:-12.1.2021

Harpal Singh ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. D.S. Virk, Advocate for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana,
assisted by ASI Deepak.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner seeks grant of regular bail in a case registered against him vide FIR No.83 dated 23.2.2020 at Police Station City Mandi Dabwali, Sirsa, District Sirsa under Sections 341, 342, 392, 395, 397, 420, 467, 468, 471, 201 & 120-B of Indian Penal Code and Section 25 of Arms Act.
2. The FIR in question was lodged at the instance of Kashmir Singh wherein it has been alleged that he drives truck bearing registration No.RJ-19-GE3134 which belongs to Sonu. On 22.2.2020, he had started from Rama Refinery, Dabwali and was proceeding towards Sirsa after loading plastic seeds in his truck, however, when he reached a little ahead of Dera Canteen, Dabwali a vehicle looking like Innova came in front of the truck and 4 persons alighted

from the same and while one sat in the truck, the other 3 persons made him sit in their car. The person who sat in his truck drove away his truck while he was kept confined for about 45 minutes and thereafter he was left on the road after tying his mouth and hand. It is further the case of prosecution that subsequently the complainant got a supplementary statement recorded to the effect that he suspected that the vehicle used for commission of crime was Xylo bearing registration No.PB-02-BU-1757.

3. The learned counsel for the petitioner submits that the petitioner is not named in the FIR and has now been involved on the basis of a supplementary statement made by the complainant pertaining to involvement of a Xylo, although initially the vehicle stated to be involved was stated to be Innova like vehicle. Learned counsel for the petitioner further submits that it also remained unexplained as to how the complainant has now come up with the registration number of the vehicle allegedly involved in the crime. The learned counsel has further submitted that since co-accused Angrej Singh, who is owner of said Xylo vehicle and Sukhraj Singh have already been granted bail, the petitioner deserves the concession of bail on grounds of parity.
4. Opposing the petition, the learned State counsel, upon instructions from ASI Deepak, has submitted that the petitioner and other members of his gang have been operating in the area committing similar type of offences and that another FIR No.614 dated 16.11.2019 under Section 341, 342, 365, 395 IPC, Police Station City Fatehabad, District Fatehabad had also been lodged against the petitioner. The learned State counsel has, however, informed that the petitioner has been behind bars since last about 10 months and that 'Challan' already stands presented. The learned State counsel has further

submitted that the petitioner stands involved in one more case of identical nature and the pistol used in the occurrence stands recovered from the petitioner.

5. I have considered rival submissions addressed before this Court.
6. Having regard to the facts and circumstances of the case and that the petitioner is not specifically named in the FIR nor the owner of Xylo vehicle and, in any case, he has been behind bars since last about 10 months, further detention of the petitioner will not serve any useful purpose as conclusion of trial is likely to consume some time. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

12.1.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No