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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.50159 of 2021 (O&M)
Decided on: 10.12.2021

Arun

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Vikram Singh, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.538 dated 11.08.2021, for offence punishable under Sections 379, 328 of the Indian Penal Code (in short 'IPC') registered at Police Station Assandh, District Karnal.

Counsel for the petitioner has argued that as per the allegations in the FIR, registered at the instance of Pala Ram @ Jaipal, on 09.08.2021 when he was present at a local bus stop, an unknown boy came on a scooty and asked the way. He even offered lift to the complainant and when the complainant took the lift, the boy stopped his scooty and offered cold drink to the complainant and after drinking the cold drink, he became unconscious and thereafter, the petitioner took out Rs.9,000/- from his pocket of the complainant along with a

gold ring and sweets. It is further submitted that on the basis of the secret information, the petitioner was arrested and as per the police, Rs.8,000/- was recovered from the petitioner. It is also argued that the complainant Pala Ram @ Jaipal has made a statement before the Court of Sessions that the petitioner is not a person, who has committed the crime rather the police called the complainant at the Police Station and after showing the accused to the complainant, he told them that the petitioner is not the person, who has committed the offence but the police took his signatures on the blank papers and it is stated that he has no objection if bail is granted to the petitioner, however, the bail was not granted to him by the trial Court on the premise that the petitioner is involved in one more case. Counsel for the petitioner has placed on record the photocopy of the order dated 29.11.2021 vide which the petitioner has been granted the concession of bail in the other case by the Additional Sessions Judge, Karnal. Lastly, it is argued that the petitioner is in custody for the last more than 02 months and the investigation is complete.

Counsel for the State has filed the Custody Certificate today in the Court and has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last more than 02 months; the investigation is complete and conclusion of the trial is likely to take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa

Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

10.12.2021
yakub

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