

208

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-400-2022

Date of decision : 11.03.2022

Rohit

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Sushil Jain, Advocate for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of regular bail to the petitioner in FIR No.209 dated 06.05.2021 registered under Sections 420 and 120-B of the Indian Penal Code, 1860 at Police Station Sadar, Sonipat, District Sonipat.

Learned counsel for the petitioner has submitted that in the present case, as per the FIR, it has been alleged that the private people had formed a Whatsapp group to inform the owners of the overloaded vehicles about Secretary/RTA Staff as soon as they came out of the office for checking and thereafter, money was being deposited in the bank account of Whatsapp Admin. It is further submitted that in the FIR, it has been mentioned that the investigation was carried out and two mobile numbers

i.e. 94676-70652 and 84779-53786 were found to be involved in the said incident. It is argued that the said mobile numbers do not belong to the petitioner. It is further argued that the second mobile number, even as per the FIR, belongs to one Safiq. It is contended that as in the FIR, there is no link to show as to on what basis, the account which belonged to the present petitioner was being enquired into. It is further contended that merely because there was some deposit of a meager amount in the account of the petitioner, the same does not mean that the petitioner is involved in the said offence. It is argued that in fact, a perusal of para 4 of the impugned order would show that the counsel appearing on behalf of the petitioner had raised the argument that the petitioner was doing the business of supplying building material and thus, money was deposited by the customer in his account as payment for the material supplied. It is stated that the petitioner has been in custody since 06.12.2021 and challan has already been presented and there are 13 witnesses, out of which, none have been examined as yet, thus, the conclusion of the trial is likely to take time moreso, in view of the present COVID-19 pandemic. It is further stated that the all the witnesses are police officials and thus, question of influencing them does not arise. It is further contended that the petitioner is not involved in any other case.

Notice of motion.

On advance notice, Mr. Praveen Bhadu, AAG, Haryana, appears and accepts notice on behalf of the State and has submitted that he is fully prepared to argue the matter and assist this Court. He has opposed the present petition for grant of regular bail to the petitioner and has

submitted that the investigation was carried out and it was found that some persons had formed Whatsapp group by virtue of which they were informing the owners of the overloaded vehicles Secretary/RTA Staff used to come out of their office for checking so as to warn the owners of the vehicles. It is also submitted that the name of the petitioner also figures in the FIR.

This Court has heard the learned counsel for the parties and has perused the paper book.

As per prosecution case, from the investigation, two mobile numbers were found to be involved in the alleged incident, mobile No.84779-53786 belonged to one Safiq and not to the petitioner and even with respect to the second mobile No.94676-70652, it has not been alleged that the same belonged to the petitioner. The argument of the learned counsel for the petitioner to the effect that, from the FIR, it cannot be established that account of the petitioner was connected with the commission of the alleged offence, cannot be outrightly rejected as the same would be matter of trial. In para 4 of the impugned order rejecting the bail of the petitioner, the argument of the petitioner has been noticed to the effect that the petitioner was involved in the business of supplying building material and, therefore, the amount was deposited by a customer in his account for the material supplied. The petitioner is stated to be in custody since 06.12.2021 and the present case is triable by the Magistrate and challan has already been presented and there are 13 witnesses, out of which, none have been examined as yet and all the witnesses are stated to be police officials, therefore, the question of influencing them does not arise and thus,

the conclusion of the trial is likely to take time moreso, in view of the present COVID-19 pandemic and the petitioner is stated to be not involved in any other case.

Keeping in view of abovesaid facts and circumstances, the present petition for regular bail is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate and subject to him not being required in any other case.

However, it is made clear that in case, any act is done by the petitioner to threaten the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

11.03.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No