IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-1658-2022 (O & M)
Date of decision: 31.05.2022

Nadeem .... Petitioner

V/s

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Sarfaraj Anjum Mor, Advocate, for the petitioner.

Mr. Vikrant Pamboo, DAG, Haryana.

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JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 439 Cr.P.C. is for grant of the regular bail to the petitioner in a case FIR No.540 dated 14.09.2021 under Sections 34, 365, 395 IPC registered with Police Station Kundli, District Sonepat.

2. The brief facts of the case are that the statement of Tinku son of Jai Kunwar, was recorded to the effect that he worked as a driver. On 13.09.2021, he started his journey from Rajender Poultry Farm in an Eicher truck bearing No.HR 56B-0148 to Aligarh (UP) after loading eggs. As he crossed the Kundli Toll at about 7.00 p.m., suddenly one white car came in front of his vehicle and stopped. Two boys got out of the car and asked him to show his papers. They took away the papers of his vehicle. He (Tinku-complainant) alongwith Ankit son of Rajender, were forced to sit in their white car and their mobile phones were snatched. Thereafter, they were taken to Noida and they were dropped at village Kasna, Sirsa Chowk. They

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snatched their money and took their vehicle with eggs. Beatings were also given to the complainant.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. There is a delay of one day in the registration of the FIR and the false implication of the petitioner cannot be ruled out. In fact, he had been arrested in some other case in U.P. and has been falsely implicated thereafter in the present case. He refers to the order dated 12.11.2021 passed in another case registered against the petitioner vide FIR No.511 of 2021 under Sections 411, 414 IPC with Police Station Kasan, Gautambudh Nagar, Uttar Pradesh (U.P.) (Annexure P-2) to contend that the he has been granted the concession of regular bail in the aforesaid case. It is lastly contended that the petitioner is in custody since 11.10.2021 and the challan already stands filed, and therefore, the further incarceration of the petitioner is not required.

4. The learned counsel for the State, on the other hand, contends that such kind of offences are on the rise and the petitioner does not deserve the concession of bail, moreso, because he is also involved in one other case. However, he does not dispute the period of custody undergone by the petitioner.

5. I have heard the learned counsel for both the parties at length.

6. Admittedly, the petitioner is in custody since 11.10.2021 and in the other FIR registered against him, he has been granted the concession of regular bail vide order dated 12.11.2021 (Annexure P-2). As the investigation already stands completed, the further incarceration of the petitioner is not required moreso when the trial is not likely to be concluded in the near future as 22 prosecution witnesses are to be examined and none of them has been examined so far.

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7. Keeping in view the aforesaid facts, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Nadeem, is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

The petitioner shall appear on first Monday of every month before the local police station and shall furnish an affidavit each time that he is not involved in any case other than the cases mentioned hereinabove.

(JASJIT SINGH BEDI)
JUDGE

May 31, 2022
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

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