

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-1904-2022 (O & M)****Date of decision: 31.05.2022**

Vikram

.... Petitioner

V/s

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Punit Malik, Advocate, for the petitioner.

Mr. Vikrant Pamboo, DAG, Haryana.

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 365, 395 and 34 IPC (Section 379-B IPC was deleted and Section 395 IPC was added later on) registered with Police Station Kundli, District Sonapat.

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 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 care 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 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. The petitioner is involved in two other FIRs i.e. FIR No. 511 dated 30.09.2021 under Sections 411, 414 IPC with Police Station Kasan, Gautam Budh Nagar, Uttar Pradesh (U.P.) and FIR No.510 dated 30.09.2021 under Sections 4, 25 of the Arms Act, 1959 with Police Station Kasan, Gautam Budh Nagar, Uttar Pradesh (U.P.). The learned counsel further contends that the petitioner-Vikram has already been granted the concession of bail in a case FIR No.511 of 2021 vide order dated 21.10.2021 passed by the Additional Sessions Judge, FTC-I, Gautam Buth Nagar. 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 because he is also involved in two other cases. 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

bail by the Additional Sessions Judge, FTC-I, Gautam Budha Nagar, vide order dated 21.10.2021. 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.

7. Keeping in view the aforesaid facts, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Vikram, 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