

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

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CRM-M-6659-2022

Date of Decision : **February 22, 2022**

VISHAL

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI
Through Video Conferencing

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

Mr. Ranvir Singh Arya, Addl. Advocate General, Haryana.

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.585 dated 28.9.2021 under Sections 392, 397, 411 and 120-B IPC and Sections 25 and 25-A of Arms Act, 1959 registered at Police Station City, Palwal. District Palwal.

The learned counsel for the petitioner has submitted that the petitioner is in custody from 1.10.2021 and investigation of the case has been completed by the police and the challan stands presented under Section 173 Cr.P.C. before the learned competent Court. He submitted that nothing is to be recovered from the petitioner and the trial of the case would take long time and, therefore, he may be considered for the grant of regular bail. He further submitted that the petitioner is not involved in any other case and has clean antecedents and so far as the present case is concerned, his name has been surfaced only on the basis of the disclosure statement of co-accused, namely, Ranjit and as per the prosecution, there

was an alleged recovery of 4.180 mg of gold from the house of the petitioner. He submitted that such a recovery was planted upon the petitioner and he was not even involved in the present case and his name has been nominated only on the basis of the disclosure statement of co-accused, namely, Ranjit. He further submitted that as per the CCTV camera footage, two persons were identified, who were Ranjit and Amit and even as per the FIR also the allegations are that two persons had come for making theft and so far as the present petitioner is concerned, even as per the FIR he was not present at the spot and, therefore, he may be considered for the grant of regular bail.

On the other hand, the learned State counsel has stated that so far as the custody period of the petitioner is concerned, the same is correct and it is also correct that the investigation of the case has been completed and the challan has been presented before the competent Court and no recovery is to be effected from the petitioner. However, he has further submitted that so far as the present petitioner is concerned although his name was nominated on the basis of the disclosure statement of co-accused, namely, Ranjit and in the CCTV camera footage two persons, namely, Ranjit and Amit were identified but the role of the petitioner was that he had committed a rekki for the offence and there was a recovery of 4.180 mg of gold from his house and, therefore, he has opposed the grant of regular bail to the petitioner. He submitted on instructions that it is correct that the petitioner is not involved in any other case.

I have heard the learned counsels for the parties.

The petitioner is in custody from 1.10.2021 and investigation of the case is already complete and the challan has been presented. As per the submissions made by both the learned counsel for the parties the incident was captured in CCTV camera footage in which two persons, namely, Ranjit and Amit were identified and even as per the FIR also the allegations are that two persons had come to commit theft. The petitioner is not involved in any other case and his name has been nominated on the basis of the disclosure statement of the co-accused. The trial of the case may take long time in view of the fact that even charges have not been framed as of date. Furthermore, it is not the case of the State that in case the petitioner is released on bail then he may influence any witness or may tamper with any evidence or may flee from justice.

Therefore, considering the totality of the circumstances of the present case, this Court deems it fit and proper to grant bail to the petitioner.

Consequently, the petition is allowed. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

(JASGURPREET SINGH PURI)
JUDGE

February 22, 2022

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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No