

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

214

CRM-M-9082 of 2021
Date of Decision:17.02.2022

Ravinder @ Foji

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Priyavrat Parashar, Advocate,
for petitioner.

Mr. Neeraj Poswal, AAG, Haryana

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

On 11.02.2022 the following order had been passed by this court:-

“Case heard via video conferencing.

CRM-M-11462 of 2021

Pursuant to the last order passed on 30.09.2021, a report dated 06.10.2021 has been received from the learned JMIC, Jind, stating therein that the petitioner appeared before that court on 05.10.2021, after which the investigating officer was summoned, with petitioner no.2 (erroneously referred to as the complainant in the report), having submitted her mobile phone bearing IMEI no.911647307125704, which was taken into possession by the investigating officer, who also stated before that court that it was the phone that was required to be submitted by the petitioner.

Learned State counsel submits, on instructions from ASI

Pardeep Kumar, that in view of the above, both the petitioners having joined investigation, their custodial interrogation is not required.

That being so, without making any comment on the actual merits of the case, the petition is allowed, with the orders earlier passed admitting them to interim bail, made absolute on the same terms and conditions.

CRM-M-9082 of 2021

Vide this petition, the petitioner seeks the concession of 'regular bail' under the provisions of Section 439 of the Cr.P.C., upon FIR no.422, dated 21.10.2020, having been registered at Police Station Civil Lines, Jind, alleging therein the commission of offences punishable under Sections 384, 342, 506 of the IPC.

Learned counsel for the petitioner submits that the petitioner has now been in custody for about 1 year and 3 months, with it being a magisterial trial and the only reason that he has essentially been refused bail by the learned trial court on 11.02.2021, is that 12 more criminal cases registered against him and that a recovery of Rs.20,000/- and a motorcycle was made from him in the context of the present case.

Learned State counsel though otherwise could not seriously oppose the bail application in view of the above recovery allegedly made, however submits that the examination-in-chief of the complainant is complete, with the cross-examination stated to be conducted on 18.01.2022.

Adjourned to 21.01.2022 to determine as to whether the complainants' cross-examination has been conducted or not, with it of course to be observed that if the trial court cannot conduct proceedings due to the ongoing pandemic, this court would still have to seriously consider admitting the petitioner to bail in view of the long period of custody and the stage of the trial, with 4 prosecution witnesses out of 13 having been examined, also looking at the nature

of the allegations against the petitioner.

A copy of this order be also placed on the file of the other connected matter too.”

Today learned counsel for the petitioner submits that even after that date the complainant did not turn up to get cross-examined and that nowailable warrants have been issued to secure his presence by the trial court, with the petitioner having been in custody now for more than 1 year and 4 months.

That being so, without making any comment on the actual merits of the case, the petition is allowed and the petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the trial court/Duty Magistrate concerned.

February 17, 2022
dinesh

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No