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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.8720 of 2022 (O&M)

Date of decision: 11.05.2022

Jisan

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

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

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.244 dated 10.06.2020, for offence punishable under Sections 201, 427, 457, 380 of the Indian Penal Code, 1860 (in short 'IPC') registered at Police Station Civil Lines Jind, District Jind.

Counsel for the petitioner has relied upon the order dated 28.01.2022 passed in CRM-M No.51505 of 2021. The operative part of the said order, reads as under:-

“Learned counsel for the petitioner relies upon the order dated 02.09.2021 passed in CRM-M-8496-2021, vide which co-accused Samshu has been granted the concession of regular bail, by passing the following order:

...Learned counsel for the petitioner submitted that as per the allegations in the FIR which was registered at the instance of Bhupinder Singh that a theft on ATM machine was committed on the intervening night of 09.06.2020/10.06.2020 and an amount of Rs.21,00,000/- has been taken away. Learned counsel submitted that the petitioner was not named in the FIR and his name has

been surfaced only on the disclosure statement of co-accused. The petitioner is in custody since 8.9.2020 and the investigation is complete.

Status report by way of affidavit of Deputy Superintendent of Police, Julana, District Jind, has been filed submitting that after co-accused were arrested in this case, their disclosure statements were recorded. It is further stated that the petitioner was lodged in judicial custody in another case, was taken on production warrant and joined in the investigation of the case and in furtherance of disclosure statement got recovered a sum of Rs.1,20,000/-. It is also submitted that the petitioner is involved in another FIR registered at Police Station Sadar Bazar Saharanpur.

After hearing learned counsel for the parties and considering the fact that the petitioner is in custody for the last one year; he was nominated as an accused on the disclosure statement of the co-accused; trial is yet to start and it will take some time due to COVID-19 pandemic in the country, this petition is allowed and the petitioner is directed to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner...”

Counsel for the petitioner has further submitted that the allegations against the petitioner identical in nature as he was also named in the disclosure statement of the co-accused and after the arrest of the petitioner, no recovery was effected. Even 02 more co-accused of the petitioner namely Samshu and Tashim @ Peahalwan, have also been granted the concession of regular bail. It is also submitted that investigation is complete, challan stands presented and charges are yet to be framed.

Counsel for the petitioner has further argued that the petitioner is in custody for the last 01 year, 09 months and 08 days and

conclusion of the trial will take some time as 20 PWs are yet to be examined.

Counsel for the State on the basis of the Custody Certificate has not disputed the factual position but opposed the prayer for bail on the ground that the petitioner is involved in some more FIRs.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last 01 year, 09 months and 08 days; the co-accused of the petitioner are already released on bail; charges are yet to be framed; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

11.05.2022

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No