

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

CRM-M-10225-2022
Date of Decision:-**27.07.2022**

RAJMAN BIND

... Petitioner

Versus

STATE OF HARYANA

... Respondent

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CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. Sanjay Malik, Advocate for
Mr. Vikram Singh, Advocate
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

-.-

KARAMJIT SINGH, J. (Oral)

The petitioner has approached this Court seeking grant of regular bail in a case having FIR No.11 dated 13.1.2021 registered under Sections 379, 406, 407 IPC (Sections 420, 467, 468, 471, 34 IPC) at Police Station Taraori District Karnal.

The counsel for the petitioner submits that the petitioner was not named in the FIR and was falsely implicated at the instance of the complainant. The counsel for the petitioner further submits that the petitioner was arrested in this case on 18.12.2021 and no incriminating article was recovered from his possession except for 2 empty bags of

powdered milk as has been alleged by the prosecution. The counsel for the petitioner further submits that on completion of the investigation the challan has been presented but charges are yet to be framed and thereafter it will take considerable time for the trial to conclude. The counsel for the petitioner further submits that in these circumstances no purpose is going to be served by detaining the petitioner in custody for any longer period.

The present petition is opposed by the State counsel, who submits that the petitioner was the master-mind behind the entire occurrence and for that purpose he concealed his identity and started working as a driver in the transport company of the complainant and he was deputed to transport goods in vehicle No.HR55-Q-0853 belonging to the complainant from the premises of M/s Mother Dairy Fruits and Vegetable Pvt. Ltd. Karnal to Jindalnagar Hapur. The said consignment was of 15 tonnes of milk powder but the same never reached its destination on which the complainant lodged report with the police and finally the aforesaid vehicle was found lying abandoned and 151 bags of milk powder were recovered. The State counsel further submits that thereafter the petitioner was arrested in some another criminal case by the police of District Raigarh (New Mumbai), wherein the petitioner made disclosure statement wherein he admitted his involvement in the present occurrence and thereafter the petitioner was arrested in the present case. That during investigation it was found that the petitioner along with other co-accused sold the milk powder and divided the sale proceeds. The State counsel further submits that trial is yet to commence and as such made prayer that the present petition be dismissed.

I have considered the submissions made by counsel for the petitioner as well as by State counsel.

Admittedly the petitioner was not named in the FIR. As per the said FIR the driver of the concerned truck was Raj Kumar son of Rajesh Yadav. The petitioner was arrested in the present case on 18.12.2021 and is presently lodged in judicial custody. As per State counsel only 2 empty bags of milk powder were recovered from the possession of the petitioner during the investigation which has been completed. The police has presented the challan, but charges are yet to be framed and thereafter it will take time for the trial to conclude. The alleged recoveries have already been effected in this case. So, further detention of the petitioner will not serve any useful purpose as conclusion of trial is likely to take some time.

Thus without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

27.07.2022
Gaurav Sorot

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No