

218

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.10993 of 2021 (O&M)

Date of decision: 19.04.2022

Afsar

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Vishal Goel, 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.32 dated 18.09.2019, for offence punishable under Sections 379-B, 395, 397, 412, 120-B (added later) of the Indian Penal Code, 1860 (in short 'IPC') registered at Police Station HSIIDC Barhi, District Sonapat.

Counsel for the petitioner has relied upon the order dated 17.12.2020 passed in CRM-M Nos.16622, 17315, 24314 and 32092 of 2020, vide which the co-accused of the petitioner namely Amit, Satyawan, Tejbir and Anil @ Chhotu, have been granted the concession of regular bail. Similarly, the other co-accused of the petitioner namely Pardeep has been granted the concession of bail vide order dated 29.01.2021 passed in CRM-M No.330 of 2021.

Reliance is also placed on the orders dated 05.02.2021, 10.03.2021, 08.04.2021 and 25.08.2021, passed in CRM-M Nos.4325, 10038, 7339, 7388 and 28791 of 2021, vide which the co-accused of the petitioner namely Farman, Parmod @ Maddi, Ravi, Arun and Parveen, have also been granted the concession of regular bail. The operative part of the order dated 10.03.2021 passed in CRM-M No.7339 of 2021, reads as under:-

“Learned counsel for the petitioners have relied upon order dated 17.12.2020 jointly passed in CRM-M-16622-2020, vide which co-accused Amit, Satyawar, Tejbir and Anil @ Chhotu have already been granted concession of regular bail by this Court. The operative part of the order reads as under:

“Counsel for the petitioner(s) have jointly argued that as per the allegations in the FIR, registered by one Ashish, his two employees namely Kewa Ram and Mahinder Patel, who are working in his office at Delhi had gone to Samalkha on 16.09.2019 and made a collection of Rs.11 lacs in cash and while they were coming back, 04 unknown persons stopped their car and snatched the bag containing Rs.11 lacs at gun-point. It is also submitted that the FIR was registered at a delay of 02 days and after another 02 months, a supplementary statement was made on 14.11.2019 that in fact, a sum of Rs.1 crore 50 lacs was snatched from the employees.

Counsel for the petitioner(s) have further submitted that after some of the accused were arrested, the name of the petitioner Amit surfaced in the disclosure statement made in some other FIR No.1055.

Counsel appearing for the petitioner(s) i.e. Tejbir and Anil @ Chhotu, has submitted that their names were also surfaced on the basis of the disclosure statement made by the accused in FIR No.1055 and similar is the situation in case of the petitioner – Satyawar.

Counsel for the petitioner(s) have also submitted that the police has already effected the recovery of the amount; challan stands presented and the petitioners are no more required for further investigation; the petitioners are in custody for about 01 year and on account of the COVID-19 situation in the country, they are entitled for bail.

Counsel for the State, on the basis of the affidavit filed by the Deputy Superintendent of Police (Headquarter), Sonapat, and on instructions from the

Investigating Officer, has not disputed the factual position but opposed the prayer for bail.”

Counsel for the petitioner has further argued that the petitioner is in custody for the last 02 years, 04 months and 24 days and the trial is not proceeding and out of 13 PWs, only 06 PWs have been 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 one more case of 2019.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last 02 years, 04 months and 24 days; the co-accused of the petitioner are already released on bail; 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

19.04.2022

yakub

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No