

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-11694-2022 (O&M)
Date of decision: 17.05.2022

Pardeep and another

... Petitioners

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Abhimanyu Singh, Advocate
for the petitioners.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this 2nd petition is for grant of regular bail in FIR No.562 dated 22.09.2020 under Sections 34 & 379-A IPC, registered at Police Station Bhiwani City, District Bhiwani; earlier one was dismissed as withdrawn on 24.02.2022.

Learned counsel for the petitioners submit that the FIR was registered at the instance of one Imarti, with the allegations that on 22.09.2020, she was carrying Rs.50,000/-, which she withdrawn from her PNB account and sat in an auto for going to her home. In the meantime, two boys came and snatched her bag containing money, mobile phone and bank passbook. It is

further submitted that though in the FIR, nobody was named, however, later on, the petitioners were arrested on 11.02.2021. It is also submitted that in fact, on an earlier occasion, FIR No.155 dated 13.04.2013 under Section 25/54 of Arms Act, Police Station Dadri City, District Bhiwani was registered against petitioner No.1 and it was first FIR. It is next submitted that since petitioner No.1 was falsely implicated in said FIR and was given beatings in police custody, on a direction given by the trial Court, he was medico-legally examined, in which he was found to be having as many as 07 injuries, which suggests that he was given beatings by the police officials.

Thereafter, on a complaint given to the higher officials, Superintendent of Police, Bhiwani, vide its letter dated 26.12.2013, had reported that further investigation of FIR No.155 was carried out by DSP, Loharu, wherein recovery of illegal pistol planted on petitioner No.1, was found false and as per statement of victim/petitioner No.1 Pardeep Kumar, it was found that SI Subhash Chander was demanding Rs.50,000/- for not registering the case against him and similarly, HC Anil Kumar and ASI Dashrath, without any basis, arrested him, therefore, the case was registered against four police officials under Sections 193, 211, 323, 342, 384, 511, 120-B IPC.

It is further submitted that all the accused, who were police officials, faced the trial and in pursuance thereof, petitioner No.1 has been falsely implicated in as many as 11 FIRs under Section 379-A IPC with similar allegations, wherein the victims alleged that persons with muffled faces have snatched their bags and mobile phones. It is also submitted that in remaining 10

FIRs, petitioner No.1 has been granted bail either by this Court or by the trial Court. It is next submitted that the petitioners are in custody for the last 01 year, 04 months and 07 days and complainant Imrati has already been examined and in cross-examination, she stated that the persons, who came at the spot, were having muffled faces, therefore, identity of the petitioners will be a debatable issue to be decided by the trial Court.

Learned State counsel, on the basis of custody certificate filed in the Court today, could not dispute the factual position.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the aforesaid facts and circumstances of the case, this petition is allowed and the petitioners are directed to be released on regular bail subject to furnishing their bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

[ARVIND SINGH SANGWAN]
JUDGE

17.05.2022
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No