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

**CRM-M-18421-2022
Date of Decision: 31.05.2022**

Jarnail Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Aman Pal, Advocate,
for the petitioner.

Ms. Shivani Sharma, AAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

This is the second petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.100 dated 22.03.2021, under Sections 406, 435, 201 & 120-B of the IPC (Sections 477, 204 of the IPC added later on), registered at Police Station Kunjpura, District Karnal.

It has been submitted by learned counsel for the petitioner that earlier the petitioner had filed a bail petition before this Court which was dismissed as withdrawn on 15.03.2022 since at that point of time, the matter was still at the investigation stage and now the investigation of the case has been completed and challan has also been presented before the competent Court. He further submitted that it is a case where the allegations against the petitioner were that he is the husband of one Rajbala Devi, who was the

Sarpanch of the village and he had gone to attend the meeting along with the record but the record was in the car which was being driven by the petitioner and thereafter, the car got fired and part of the record was destroyed. During the course of investigation, the aforesaid Rajbala Devi was declared innocent by the Police and the petitioner was arrested. He also submitted that he is in custody since 29.01.2022 and the investigation of the case has been completed and half burnt record is already with the Police and no recovery is to be made from the petitioner. He further submitted that the car had got fired due to which the part of the record was burnt and even the petitioner himself has got burn injuries on the face and on hands. He also submitted that the present case is triable by Magistrate and the entire case is based upon the documentary evidence and all the documents are with the Police and therefore, the petitioner may be considered for the grant of bail.

On the other hand, Ms. Shivani Sharma, learned AAG, Haryana, on instructions from A.S.I. Rajesh Kumar, has stated that it is correct that the petitioner is in custody since 29.01.2022 and it is also correct that the petitioner is not involved in any other case. She further submitted that the investigation of the case has been completed and challan has also been presented. She has however submitted that the allegations against the petitioner were that he had intentionally burned the record.

I have heard the learned counsel for the parties.

The petitioner is in custody since 29.01.2022 and as per the learned counsel for the parties, investigation of the case has been completed and challan has also been presented. The half burnt record is already in the custody of the Police and the case is triable by the Magistrate. The

petitioner is not involved in any other case and the wife of the petitioner, namely, Rajbala Devi, who was the Sarpanch, has already been exonerated by the Police. The trial of the case may take long time. Furthermore, it is not the case of State nor it has been argued by the learned State counsel that in case the petitioner is released on bail then he may tamper with the evidence or may abscond or flee from justice or may influence any witness, therefore, considering the totality of the circumstances of the present case, the present petition deserves to succeed.

Consequently, the present petition is allowed and the petitioner is ordered to be released on bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

31.05.2022*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

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| 1. Whether speaking/reasoned: | Yes |
| 2. Whether reportable: | Yes/No |