

247

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

CRM-M No.18664 of 2022 (O&M)

Date of decision: 10.05.2022

Ramphal Yadav

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Rajesh Arora, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, 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.569 dated 12.09.2018, for offence punishable under Sections 420, 465, 467, 468, 471, 201, 120-B of the Indian Penal Code, 1860 (in short 'IPC') registered at Police Station Shivaji Nagar, Gurugram, District Gurugram.

Counsel for the petitioner has submitted that as per the allegations in the FIR, registered at the instance of the District Manager, National Insurance Company, a complaint was given to the Commissioner of Police, Gurugram, with the allegations that a car bearing registration No.HR51-AU-8708, is planted in number of hit and run cases by giving details of FIR No.318 dated 20.04.2016, FIR No.18 dated 07.01.2017 and FIR No.204 dated 19.05.2017, in which the allegations were that an unknown vehicle has hit the victim. It is further

alleged that on the basis of the same, the MACT claim petitions are filed, which are pending before the Court and the petitioner, who is the owner of the said vehicle is involved in setting up of fake claim cases.

Counsel for the petitioner has also argued that as many as 09 persons were nominated as an accused including Deepak Bhandari and Santosh, who are the principal conspirator and are working in the Court premises as well as the driver employed by the petitioner and it will be a matter of trial, whether the nomination of the vehicle of the petitioner in the said claim petitions was with the consent of the petitioner or it was the driver, who was manipulating everything in conspiracy with the principal conspirator.

Lastly, it is submitted that all the 09 co-accused of the petitioner have already been released on bail by the Additional Sessions Judge, Gurugram and the petitioner is the first offender and he is in custody for the last 09 months and 10 days.

Counsel for the State on the basis of the Custody Certificate has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last 09 months and 10 days; the co-accused of the petitioner are already released on bail by the Additional Sessions Judge; the petitioner is not involved in any other case; 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

10.05.2022

yakub

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No