

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of Decision:10th October, 2022

CRM-M-22171-2022 (O&M)

Amit @ Meeta ... Petitioner

Versus

State of Haryana ... Respondent

CRM-M-26551-2022 (O&M)

Ajit ... Petitioner

Versus

State of Haryana ... Respondent

CRM-M-23820-2022 (O&M)

Ravinder @ Bittu ... Petitioner

Versus

State of Haryana ... Respondent

CRM-M-19907-2022 (O&M)

Joginder Singh ... Petitioner

Versus

State of Haryana ... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Vinod Ghai, Senior Advocate with
Mr. Manjeet Singh, Advocate
Mr. E. Masih, Advocate
Ms. Kanika Ahuja, Advocate,

Mr. Pankaj Chauhan, Advocate for
Mr. Manish Soni, Advocate
Mr. Keshav Pratap Singh, Advocate with
Mr. Vishal Singh, Advocate and
Mr. Sukhsandesh Chahal, Advocate
Mr. Randeep S. Dhull, Advocate for the petitioners.

Ms. Dimple Jain, DAG, Haryana.

AVNEESH JHINGAN , J.(Oral)

These petitions are filed seeking regular bail to the petitioners in FIR No. 309 dated 21.8.2021 under Section 380 IPC, 1860 registered at P.S. Kherki Daula, Gurugram wherein Sections 380, 381, 382, 454, 457, 411, 120-B, 201 IPC and Section 25 (1B) (a) of the Arms Act, 1959 and Section 7 and 8 of Prevention of Corruption Act, 1988 have been added later on.

Learned Counsel for the petitioners seeks parity with the co-accused who were granted bail vide order dated 19.4.2022. It is submitted that the petitioners Amit @ Meeta, Ajit, Ravinder @ Bittu and Joginder Singh are in custody since 5.10.2021, 16.12.2021, 7.12.2021 and 31.12.2021 respectively and the investigation qua them is complete.

Learned State Counsel on instructions though opposes the prayer for grant of bail and submits that antecedents of the petitioners are not clean. She on instructions from ASI Satish Kumar is not in a position to distinguish the case of the petitioners qua the co-accused so far as grant of bail is concerned. The order dated 19.4.2022 is reproduced hereinbelow :-

“These three petitions are filed for grant of regular bail in FIR No. 309, dated 21st August, 2021, under Section 380 IPC, (Sections 201, 381, 382, 454, 457, 411, 120-B IPC, Section 25(1B)(a) of the Arms Act, 1959 and Sections 7 and 8 of the Prevention of Corruption Act, 1988 were added later on) registered at Police Station Khedki Daula, Gurugram.

Brief facts of the case are that Santosh Singh got registered FIR on 21st August, 2021 with regard to theft of money from a flat. After five days, he made supplementary statement that a sum of Rs. 50 lakhs was stolen and he suspected Parveen Singh and Mohit Kumar. Parveen Singh was arrested on 11th September, 2021 whereas Dara Singh, Amit and Abhinav Sharma were produced on production warrants on 5th October, 2021. On basis of disclosure and supplementary disclosure of accused in custody, Dr. Ashwani Kumar, Sandeep @ Neetu Sunaria, Dr. Suchender Jain Nawal and Dr. Gurpartap Singh were nominated. In supplementary disclosure, Dr. Suchender Jain Nawal on 13th November, 2021 disclosed that he on asking of Vikas approached Dheeraj Kumar Setia for hushing up the matter. During investigation it revealed that theft was not of Rs. 50 lakhs but of more than Rs. 30 crores and gold.

Learned Senior Counsel Mr. R.S.Cheema appearing for the petitioner in CRM-M-7507-2022 submits that the petitioner is in custody since 9.11.2021, investigation is complete, challan stands presented. He argued that the petitioner is a well-known doctor and there is no chance of absconding. Contention is that the petitioner was named in a disclosure statement and no recovery was made from the petitioner. It is further argued that other co-accused are yet to be arrested, source of money is to be traced and hence, conclusion of trial is likely to take time. He submits that the petitioner has given his consent for giving voice sample and would appear before the lab on the date and time communicated to him at least three days in advance.

Learned Senior Counsel Mr. Anmol Rattan Sidhu appearing for the petitioner in CRM-M-6093-2022 submits that the

petitioner was named in a disclosure statement. The role attributed to the petitioner is that he actively participated in transporting the alleged stolen property. Recovery has already been effected from the petitioner and no further recovery is to be made. He further submits that conclusion of trial will take a long time and investigation qua the petitioner is complete.

Learned Senior Counsel Mr. Vinod Ghai appearing for the petitioner in CRM-M-1734-2022 submits that the petitioner was named in a disclosure statement. No recovery was made from the petitioner. He further submits that the petitioner consented for Polygraphic Test and has undergone the test. The petitioner is in custody since 9.11.2021 and investigation is complete qua the petitioner.

Learned State Counsel on instructions from DSP, Deepak Kumar opposes the grant of bail to the petitioners and submits that though the investigation qua the petitioners at this stage is complete but the matter is still being investigated and other co-accused are yet to be arrested. She further submits that there may be change in the circumstances where the petitioners may be needed, liberty is sought for availing remedies if there is change in circumstances.

The investigation qua the petitioners is complete, challan stand presented. Considering the nature of the allegations and the nature of investigation involved, there is likelihood of trial not being concluded in near future. Depriving of personal liberty of the petitioners, to await the arrest of the co-accused and thereafter conclusion of the trial, would be unreasonable. The petitioners are granted regular bail subject to furnishing bail bonds and surety of Rs.1 lakh each with CJM/Trial Court concerned.

Needless to say that the Investigating Agency would be at liberty to avail remedies in accordance with law in case of change of circumstances.

Petitions are allowed.”

The investigation qua the petitioners is complete, conclusion of trial is likely to take time, personal liberty of petitioners cannot be deprived only on the ground that the petitioners are involved in cases and on the basis of parity with co-accused so far as grant of bail is concerned, the petitioners are granted regular bail subject to furnishing bail bonds and surety of Rs. one lakh each with CJM/Trial Court concerned.

Needless to say that the Investigating Agency would be at liberty to avail remedies in accordance with law in case of change of circumstances.

Petitions are allowed.

Since the main cases has been decided, the pending application, if any, is rendered infructuous.

A photocopy of the order be placed on the file of connected cases.

(AVNEESH JHINGAN)
JUDGE

10th October, 2022

anuradha

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No