

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.

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CRM-M-22711-2022
Date of decision: 25.07.2022

DHARAMBIR @ DHARAMVEER

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present : Mr. Raghav Sharma, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.
for the respondent-State.

SURESHWAR THAKUR, J. (ORAL)

1. The instant petition has been filed under Section 439 of Cr.P.C., wherein, the petitioner craves for indulgence of regular bail becoming granted to him, in respect of FIR No. 434 dated 01.12.2021 registered at Police Station Pehowa, District Kurukshetra, wherein, offences constituted under Sections 379-B, 420 IPC (Section 120-B IPC added later on), are embodied.

2. The present bail petitioner alongwith other co-accused is alleged to arrive at the crime site, in respective vehicles, which positioned themselves, respectively, behind, and, in front of the car occupied, at the relevant time by the complainant, and, they through concocting a false story, and, through deploying extortionate means ensured, the partings of a sum of Rs. Three lakhs to them, by the complainant.

3. Be that as it may, since the present bail petitioner is in judicial custody since 04.12.2022, and also, when it is submitted at the bar, by the learned State Counsel, on instructions given to him, by S.I. Ram Parkash, that the sum of Rs. 20,000/-, as, fell to the share of the present bail petitioner, in the looted amount, has already been recovered, at his instance to the investigating officer concerned, and, also given the prolonged judicial custody of the present bail petitioner, this court does not deem it fit, and, appropriate to prolong it any further, as thereupon, his personal liberty would become unnecessarily fettered, and, curtailed.

4. Moreover, also, when at this stage, no evidence has been adduced by the prosecution, suggestive that in the event of the bail petitioner being admitted to regular bail, there is every likelihood of his fleeing from justice or tampering with prosecution evidence, or influencing prosecution witnesses.

5. In consequence, the instant petition is allowed, and, the petitioner-bail-applicant is ordered to be released from judicial custody. However, the granting of bail to the bail applicant-petitioner, is subject to his furnishing personal, and, surety bonds in the sum of Rs.1,00,000/- each, before the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, and, also subject to his not tampering with prosecution evidence, and, also his not influencing prosecution witnesses, and, besides his appearing before the trial Court concerned, as and when directed to make his personal appearance unless validly exempted.

6. It is clarified that the above made observations are strictly made only for disposal of the present bail petition, and, shall not influence in any manner, the learned trial Judge concerned, as and when he/she deals with the trial of the FIR (Supra).

25.07.2022
kavneet singh

(SURESHWAR THAKUR)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*