

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-29462-2022 (O & M)****Date of decision: 18.07.2022**

Vishal Jethi

.... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Ms. Shivali Banka, Advocate, for the petitioner.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

This is the second petition under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in case FIR No.63 dated 06.04.2022 (Annexure P-1) under Sections 379 and 411 IPC and Section 21(1) Mines and Minerals (D& R) Act, 1957 registered with Police Station City Hoshiarpur, District Hoshiarpur.

2. The present FIR came to be registered at the instance of the investigating agency, as per which a tractor make Sawraj 735 FE bearing registration No.PB-07-R-7633 attached with a trolley loaded with sand was seen coming from Bhangi Bride side, and was stopped by the police party. The driver of the tractor disclosed his name and address as Vishal Jethi (the present petitioner). The petitioner, however, failed to produce any permit or licence with regard to the sand contained in the said trolley, leading to the registration of the present FIR.

3. The learned counsel for the petitioner contends that the petitioner is an educated person with a degree in Bachelor of Computer Science from Panjab University, after which, he went to the U.K. for further studies. He had to come back on account of his family circumstances. The tractor, in question, has been used by his brother to falsely implicate him in the present case. In fact, the said tractor is on lease with one Deepak Jaswal as is born out from the lease agreement dated 01.02.2021 (Annexure P-3). He, thus, contended that the petitioner deserves the concession of regular bail since he is in custody since the last more than three months.

4. The learned State counsel, on the other hand, contends that there are other FIRs pending against the petitioner, and therefore, he is a habitual offender and does not deserve the concession of bail. However, he does not dispute the custody period of the petitioner as also the fact that the report under Section 173(2) Cr.P.C. stands submitted and none of the 11 prosecution witnesses has been examined so far.

5. I have heard the learned counsel for both the parties.

6. The defence of the petitioner that he has been falsely implicated at the instance of the investigating agency in this FIR as also the other FIRs in connivance with his brother would be a matter of adjudication during trial. However, keeping in view the period of custody undergone by the petitioner as also the fact that none of the 11 prosecution witnesses has been examined so far after the completion of the investigation, the further incarceration of the petitioner is not required.

7. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Vishal Jethi, is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate

The petitioner shall appear on first Monday of every month before the local police station and shall furnish an affidavit each time that he is not involved in any other case than the three cases referred to in this order.

(JASJIT SINGH BEDI)
JUDGE

July 18, 2022
sukhpreet

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