

ISHWAR VS STATE OF HARYANA

Present: Mr. Divyadeep Walia, Advocate for the petitioner.

Mr. Pawan Kumar Jhanda, AAG Haryana.

The petitioner, by way of the present petition, seeks regular bail in case bearing FIR No.63 dated 22.01.2022, registered at P.S. Ghauranda, District Karnal, under Sections 420, 406 and 506 IPC.

Status report by way of an affidavit dated 19.09.2022 of the Deputy Superintendent of Police, Gharuanda, Karnal, filed on behalf of the respondent-State, in the Court, is taken on record.

Learned counsel for the petitioner submits that the petitioner has falsely been involved in the present case; that the only allegation against the petitioner is that the complainant had given a sum of Rs.3,75,000/- to the petitioner for renewal of his arm licence; that the petitioner is not an employee of any Department; that for the offence as alleged, no FIR could have been registered without proper enquiry; that the complaint was filed by the complainant on 20.01.2022 (Annexure P-2), pursuant to which, the Superintendent of Police, Karnal, had ordered to conduct an enquiry and submit the report within five days thereafter and that the petitioner has been in custody since 27.05.2022. He further submits that the present FIR has been registered in a haste and that the complainant himself is guilt of having given bribe to the petitioner.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that there are specific

allegations against the petitioner, inasmuch as, he had stated that his relative is working in the Office of Superintendent of Police, Karnal and accordingly, he will get the arm licence of the complainant renewed. He further submits that there are four more FIRs registered and/or pending against the petitioner and thus, the criminal antecedents of the petitioner are writ large. Still further, it is submitted that the charges are yet to be framed.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 27.05.2022. Charges are yet to be framed and prosecution evidence is to commence. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

In the present case, a typical FIR was registered by Inspector Deepak Bamber. Let Inspector Deepak Bamber file a specific affidavit on or before 19.10.2022, to the effect that as to under what circumstances the present FIR was registered, especially when the matter was ordered to be enquired into by the Superintendent of Police, Karnal.

23.09.2022

Aman Jain

(HARNARESH SINGH GILL)
JUDGE