

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(235)

CRM-M-35101-2022

Date of decision: - 07.09.2022

Rajiv @ JP

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. R.S. Rai, Senior Advocate
with Mr. Sushil Jain, Advocate,
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

This is a first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.61 dated 29.01.2018, under Sections 379-B and 34 IPC and Sections 25/54 of the Arms Act, 1959 (Sections 120-B, 201, 342, 392, 395, 397, 482 and 412 IPC and Sections 27 and 29 of the Arms Act, have been added later on and Section 34 of the IPC has been deleted subsequently), registered at Police Station Quilla Panipat, District Panipat.

Learned Senior counsel for the petitioner has submitted that the petitioner has been in custody since 14.07.2020 and the investigation is complete and the challan has been presented and there are total 54 prosecution witnesses, out of whom, none have been examined and thus, the trial is likely to take time. It is further submitted that the FIR in the present case was registered on the basis of the alleged occurrence which

had taken place on 29.01.2018 and it is after a period of more than 2 years and 5 months that an alleged secret information was received on 11.07.2020, on the basis of which, the petitioner was arrested on 14.07.2020. It is argued that the only evidence against the present petitioner is the secret information received and the disclosure statement suffered by petitioner. It is further argued that there is no recovery of any jewellery effected from the present petitioner so as to link him with the alleged occurrence, wherein, robbery with respect to cash and gold articles is stated to have been committed. The petitioner is not involved in any other case.

Learned State counsel on the other hand has opposed the present petition for regular bail and has submitted that an amount of Rs.18 lakhs has been recovered from the present petitioner along with one pistol. The other factual aspects however, have not been disputed by learned State counsel.

Learned Senior counsel for the petitioner, in rebuttal, has argued that the said amount cannot be related to the amount which is alleged to have been stolen/robbed.

This Court has heard learned counsel for the parties and has gone through the paper-book.

The petitioner has been in custody since 14.07.2020 and the investigation is complete and the challan has been presented and there are total 54 prosecution witnesses, out of whom, none have been examined and thus, the trial is likely to take time. The petitioner is stated to be not involved in any other case. The incident is stated to be of 29.01.2018 and

the secret information on the basis of which, the petitioner has been involved in the case, is stated to have been received on 11.07.2020 i.e., after a delay of 2 years and 5 months from the date of the alleged occurrence and the petitioner was arrested on 14.07.2020 in pursuance of the said secret information. The primary evidence against the present petitioner is the secret information and his own disclosure statement and the recovery of Rs.18 lakhs effected from the present petitioner in addition to the pistol.

Keeping in view the above said facts and circumstances, 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 concerned trial Court/ Duty Magistrate and subject to him not being required in any other case.

However, it is made clear that in case, any act is done by the petitioner to threaten or influence the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

September 07, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No