

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(226)

CRM-M-38556-2022 (O&M)

Date of decision: - 17.10.2022

Dharmender

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Parminder Singh, Advocate, for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

CRM-38876-2022

Present application has been filed under Section 482 Cr.P.C.
for placing on record affidavits as Annexures P-5 to P-9.

Application is allowed, as prayed for. Affidavits (Annexures
P-5 to P-9) are taken on record, subject to all just exceptions.

CRM-M-38556-2022

This is the first petition under Section 439 Cr.P.C. for grant
of regular bail to the petitioner in FIR No.381 dated 04.05.2022,
registered under Sections 384, 386, 120-B and 506 IPC, at Police Station
City Karnal, District Karnal.

Learned counsel for the petitioner has submitted that the
present FIR has been registered on the basis of secret information to the
effect that the petitioner, by taking the name of one Raja Balmiki, is

extorting money from the vendors at Old Sabji Mandi, Karnal. It is submitted that the petitioner is in custody since 05.05.2022 and the investigation is complete and the challan has been presented and there are 21 prosecution witnesses, none of whom have been examined, thus, the trial is likely to take time. It is also submitted that the petitioner is not involved in any other case. It is stated that the witnesses at Sr.Nos.7, 8, 9 and 12 have given their affidavits to the effect that the present petitioner is innocent and he is himself running a *rehri/fari* for the last many years at Old Sabji Mandi, Karnal and he has never unnecessarily taken any money from the persons who are running *rehri/fari(s)*. It is further submitted that co accused of the petitioner, namely, Rajesh @ Raja, has already been granted the concession of regular bail vide order dated 02.08.2022, passed in CRM-M-27291-2022.

Learned State counsel on the other hand has opposed the present petition for regular bail and has submitted that as per the levelled had taken allegations levelled in the FIR, it is the present petitioner who had taken money from the vendors and an amount of Rs.4,000/- has been recovered from him.

This Court has heard learned counsel for the parties and has perused the record.

The petitioner is in custody since 05.05.2022 and the investigation is complete and the challan has been presented and there are 21 prosecution witnesses, none of whom have been examined, thus, the trial is likely to take time. The petitioner is stated to be not involved in any other case. The present FIR has been registered on the basis of secret

information and the petitioner has placed on record the affidavits of witnesses at Sr.Nos.7, 8, 9 and 12, in which, they have stated that the present petitioner is innocent and he is himself running a *rehri/fari* for last many years at Old Sabji Mandi, Karnal and he has not extorted any money. The authenticity of the said affidavits would be considered during the course of trial. Moreover, co-accused of the petitioner, namely, Rajesh @Raja, has already been granted the concession of regular bail vide order dated 02.08.2022, passed in CRM-M-27291-2022.

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.

October 17, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No