

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

212

CRM-M-44011 of 2021
Date of decision:19.12.2022

Angrej Singh

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Vivek Salathia, Advocate
for the petitioner.

Ms. Ankita Ahuja, AAG, Haryana.

SUVIR SEHGAL, J. (Oral)

This is the second petition filed under Section 439 Cr.P.C., seeking grant of regular bail to the petitioner in case FIR No.614 dated 16.11.2019 registered under Sections 341, 342, 365, 395, 120-B of Indian Penal Code, 1860 and Section 25 of Arms Act, 1959 at Police Station City, Fatehabad (Annexure P-1).

Version of the prosecution is that FIR, Annexure P-1, has been registered on the complaint of Bablu Kumar stating that he is the driver of a Canter which is owned by Deepak Gupta. When he was travelling in the vehicle with Dharambir, conductor on 15.11.2019, the vehicle was intercepted by a car without a number plate and the vehicle alongwith loaded goods was snatched by five unidentified persons.

Counsel for the petitioner urges that although it has been

alleged that the petitioner is the owner of the vehicle used in the offence, but there is a dispute regarding the vehicle. He submits that the petitioner has been involved on the basis of a confessional statement recorded in the FIR No.83 dated 23.02.2020 lodged at P.S.City, Mandi Dabwali, District Sirsa, on 13.03.2020 which is inadmissible in evidence. Still further, it is his argument that the complainant has improved his version in the supplementary statement. Counsel submits that the first petition preferred by the petitioner was withdrawn from this Court on 17.08.2021 (Annexure P-7), after arguments and since then, trial has virtually come to a stand still. He submits that the petitioner is alleged to be involved in two other criminal cases, but he has not been named in any of them and he is on bail in both the cases. Counsel asserts that the petitioner, who is the bread-winner of the family and is in custody since 18.05.2020, has two young children to take care of, deserves to be enlarged on bail.

Per contra, State counsel, upon instructions from SI Rameshwar Dayal, submits that the petitioner has played an active role in the crime, sold the goods looted from the vehicle and his bank account has been frozen. Still further, she submits that the trial is not progressing as two co-accused, who were released on bail, have absconded and they were declared as Proclaimed Offender. She has expressed an apprehension that if the petitioner is released on bail, he may go underground. As per her instructions, though charge has been framed, but no prosecution witness has been examined.

Having considered the arguments addressed by counsel for the parties, noticing the custody of 30 months and that trial is not progressing, this Court is inclined to accede to the prayer made in the petition. Though the petitioner is involved in two other criminal cases and to allay the apprehension of the State, this Court is of the opinion that while releasing him on bail, stringent conditions can be imposed.

Without adverting to the arguments addressed by the counsel for the parties, petition is allowed. Petitioner is ordered to be released on bail on furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

While being released on bail, petitioner will furnish an affidavit by way of an undertaking that he will not get involved in any other criminal activity. It is further ordered that:-

- i) petitioner will provide his mobile number to the Investigating Officer/SHO of the police station concerned, which he will keep active throughout. IO/SHO will make random calls on his mobile and keep a track of his movements; and
- ii) petitioner will report at the police station concerned in the forenoon of first and third Monday of every month during the pendency of proceedings arising out of this FIR.

In case of violation of any of the above-mentioned conditions, State will be at liberty to seek cancellation of bail.

It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

December 19, 2022
savita

(SUVIR SEHGAL)
JUDGE

<i>Whether Speaking/Reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>