

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-48906-2021
Date of Decision: 23.02.2022

Kamlesh

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. J.S. Hooda Advocate, for the petitioner.

Mr. Ranvir Singh Arya, Addl. Advocate General, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.310 dated 03.10.2021, under Sections 395,397,120-B and 412 IPC and Section 25, 54,59 of Arms Act, registered at Police Station State Mundkati, District Palwal.

The learned counsel for the petitioner has submitted that the petitioner is in custody from 14.11.2021 and the investigation of the case has already been completed and thereafter, the challan has been presented before the competent Court under Section 173 Cr.P.C. He further submitted that it is a case where the petitioner has been falsely implicated and his name was nominated on the basis of disclosure statement made by two co-accused namely, Sahil and Arif who were arrested and after nomination

of the petitioner and his arrest, recovery of some items including the engine of the truck has been shown from the petitioner. He further submitted that firstly after a period of 12 days such kind of recovery seems to be improbable and secondly, the petitioner was only an employee of one Shyam Disposal Parts Garage. The petitioner is only an employee of the aforesaid shop whereas the owner of the shop has not been arrayed as an accused in the present case. He further submitted that petitioner is not having any bad antecedents and he is not involved in any other case and since the trial of the case would take long time, he may be considered for the grant of regular bail.

On the other hand, Mr. Ranvir Singh Arya, learned Additional Advocate General, Haryana has submitted that the petitioner is in custody from 14.11.2021 and it is correct that the investigation of the case has been completed and challan has been presented. However, he has opposed the grant of bail on the ground that some of the co-accused are still to be arrested and there was some recovery from the petitioner as well.

I have heard the learned counsel for the parties.

The petitioner is in custody from 14.11.2021 and investigation of the case is already complete. No recovery is now to be effected from the petitioner. The petitioner is not involved in any other case and has clean antecedents. The mere fact that some of the other co-accused are yet to be arrested cannot become a ground for denial of bail to the petitioner. Furthermore it is not the case of the State that in case the petitioner is released on bail then he may influence any witness or may tamper evidence or may flee from justice.

Therefore, without commenting on the merit of the case and considering the totality of circumstance, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

23.02.2022

rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)
JUDGE

: Yes/No
: Yes/No