

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-45772-2022

Date of decision : 12.10.2022

Rahul Chillar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Vikram Singh, Advocate
for the petitioner.

Mr.Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no.245 dated 27.06.2021 registered under Sections 427, 436 IPC and Sections 120-B, 201 IPC and Section 3 of the Prevention of Damage to the Public Property Act, 1984 has been added later on at Police Station City Jhajjar, District Jhajjar.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 20.05.2022 and the investigation is complete and the challan has already been presented and there are 24 witnesses and since the charges have not been framed, thus, the trial is likely to take time and the petitioner is not involved in any other case. It is further submitted that the petitioner was not named in the FIR and in the present case no injury has been caused to any person. It is stated that the petitioner has been implicated on the basis of disclosure statement of main

responsible for setting on fire the record of the office of Tehsildar (Sales). It is further stated that CCTV footage which has been recovered by the investigating agency shows only one person committing the said offence and thus, the prosecution version that there were two persons committing the offence is not prima facie established. It is further submitted that the duster car which has been used for the purpose of commission of offence does not belong to the present petitioner and he is not the registered owner of the same.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that the petitioner has been implicated in the case by the main accused Rakesh who has stated that the present petitioner along with Rakesh had burnt the record of the office of Tehsildar (Sales) and the duster car has been recovered at the instance of the present petitioner.

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

The petitioner has been in custody since 20.05.2022 and the investigation is complete and the challan has already been presented and there are 24 witnesses and since the charges have not been framed, thus, the trial is likely to take time and the petitioner is stated to be not involved in any other case and the petitioner was not named in the FIR and was nominated on the basis of disclosure statement of main accused Rakesh as per whom, the said Rakesh and the present petitioner were responsible for burning the record of the office of Tehsildar (Sales). The duster car which has been used in the alleged crime is not owned by the present petitioner.

The argument of learned counsel for the petitioner to the effect that in the

CCTV footage as recovered by the investigating agency after the alleged occurrence shows that only one person could be seen committing the offence has been recorded in paragraph 5 of the order dated 26.08.2022 vide which the bail application of the petitioner was rejected.

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.

(VIKAS BAHL)
JUDGE

October 12, 2022

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No