

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-51768-2021 (O & M)

Date of decision: 10.02.2022

Pardeep and anr.

..... Petitioners

V/s

State of Haryana

.....Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Abhimanyu Singh, Advocate, for the petitioners.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

JASJIT SINGH BEDI, J. (Oral)

1. The petitioners have approached this Court seeking grant of regular bail in case registered against them vide FIR No.229 dated 01.12.2020 under Sections 201, 379-A, 420 and 34 IPC with Police Station Jhojhu Kalan, District Charkhi Dadri (Haryana).

2. The FIR was lodged at the instance of one Kundan Lal son of Mohan Lal, who contended that he had withdrawn a sum of Rs.1 lac from Axis Bank, Charkhi Dadri and had put the same in a cloth bag alongwith a cheque book and passbook. He travelled in a bus to his village and when he alighted from the bus and started walking towards his home with the money bag, two young boys with muffled faces came and snatched his money bag and fled away on the motorcycle.

3. Learned counsel for the petitioners has submitted that they have falsely been implicated in the instant case and that in fact the police had been trying to pressurize petitioner No.1 and to settle scores with him, as it was at his instance previously that some police officials came to be prosecuted. Learned counsel, in this regard, has submitted that petitioner No.1 was involved as an accused in FIR No.155 dated 13.4.2013 registered at Police Station Dadri City, District Bhiwani, under Section 25(54) of the Arms Act (Annexure P-1) and that when the matter was got thoroughly investigated, it was found that petitioner No.1 had indeed falsely been implicated at the instance of ASI Dashrath, SI Subhash Chand, Head Constable Surinder and Constable Anil Kumar, as would be evident from the report of the Superintendent of Police, Bhiwani, dated 26.12.2013 (Annexure P-5). It has further been submitted that the aforesaid 4 officials were ordered to be charge-sheeted vide order dated 06.09.2016 passed by learned SDJM, Charkhi Dadri (Annexure P-7) and on account of which not only the aforesaid police officials, but even their colleagues had continuously been involving petitioner No.1, in one case or the other and that is why as many as 11 cases are stated to be registered against him though in all the said cases, he has been involved on the basis of disclosure statement/s and is nowhere specifically named in the FIR.

4. Learned counsel has submitted that as far as the petitioner No.2-Deepak is concerned, he has also been falsely involved in the instant case, as he happens to be brother-in-law of petitioner No.1-Pardeep against whom the police is inimical. It has, thus, been submitted that

the petitioners, who had now behind bars since the last about 01 year, deserve the concession of bail.

5. Learned counsel for the petitioners also states that the complainant-Kundan Lal was examined as PW-5 and he has not supported the case of the prosecution.

6. Opposing the petition, learned State counsel has submitted that the petitioners No.1 & 2 are habitual offenders having been involved in as many as 11 & 10 cases respectively and as such no case for grant of bail is made out. However, he admits the fact that the complainant-Kundan Lal was examined and has turned hostile. He also admits that the petitioners have been granted bail in all pending FIRs except one FIR No.562 dated 22.09.2020 under Sections 379 and 34 IPC at Police Station City Bhiwani, District Bhiwani.

7. I have considered rival submissions addressed before this Court.

8. The cases in which petitioner No.1 Pardeep has been involved are the cases which were registered after registration of FIR (Annexure P-1) i.e. after the year 2013. It is also not disputed that the petitioners are nowhere named in the said FIRs and have been implicated on the basis of disclosure statements. In these circumstances, the veracity of the cases of the prosecution would certainly be debatable. Since the petitioners have already been behind bars for a substantial period of about 01 year, further detention of the petitioners will not serve any useful purpose. The petition, as such, is accepted and the petitioners are ordered to be released on regular bail on their furnishing bail bonds/surety bonds

to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate,
Charkhi Dadri (Haryana).

9. It is, however, clarified that none of the observations made
above shall be construed to be an expression on merits of the main case.

(JASJIT SINGH BEDI)
JUDGE

February 10, 2022
sukhpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No