

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-53969-2021 (O&M)
Date of decision: 31.03.2022

Gulshan Jaiswal

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Rohit Rana, Advocate for
Mr. Kunal Dawar, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.55 dated 27.02.2019 under Section 392 IPC and Section 25/54/59 of Arms Act (Sections 397, 412, 201 IPC were added later on), registered at Police Station Kheripul, District Faridabad.

Learned counsel for the petitioner submits that primary charge against the petitioner is under Sections 411/412 IPC and his co-accused Basant Singh has already been granted the concession of bail vide order dated 26.02.2020 passed in CRM-M-2869-2020, by passing the following order: -

“...The operative part of the order dated 30.01.2020, vide which the petitioner has been granted interim bail, is reproduced below:

“Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of Rohit, he is driver in an Ola car and on 27.02.2019, he picked up two passengers from New Delhi and after reaching Faridabad, they snatched the car from him. It is further submitted that the allegations against the petitioner are that he is found in possession of the car, as it was brought to him for the purpose of sale and primary charge against him is under Section 411 Cr.P.C.

Learned counsel for the petitioner relies upon the statement of complainant Rohit, who appeared as PW1 before the trial Court, wherein he has identified the aforesaid two persons Shivam Sharma and Anuj Sharma. It is thus submitted that the petitioner was not present, when the offence under Sections 392 & 397 IPC was committed.

Learned State counsel, on instructions from the Investigating Officer, submits that the petitioner is involved in another FIR registered in U.P.

In reply, learned counsel for the petitioner has submitted that said FIR pertains to consequence of the present FIR, where the recovery of another vehicle was effected.

List again on 26.02.2020.”

Learned counsel for the petitioner submits that the petitioner, in pursuance to the order dated 30.01.2020, has already appeared before the SHO/Investigating Officer and has joined the investigation.

Learned counsel for the State, on instructions from ASI Vijender Singh, has not disputed the factual position and submits that the petitioner has joined the investigation and is no more required for any further investigation.”

Learned counsel further submits that co-accused Shivam Sharma, who has not been named by PW1-complainant, has also been granted the concession of regular bail vide order dated 16.03.2022 passed in CRM-M-10563-2022 and a perusal of this order would show that all the private witnesses have been examined and only the official witnesses remain to be examined. It is also submitted that the petitioner is in custody for the last about 07 months.

Learned State counsel, on the basis of custody certificate, filed in the Court today, has not disputed the factual position.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the aforesaid facts and circumstances of the case, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

31.03.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No