

CRM-M-30858-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

219

CRM-M-30858-2023

Date of decision: 21.08.2023

Jeetu Yadav

....Petitioner

V/s

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

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

Mr. Vikas Bhardwaj, AAG Haryana.

ARUN MONGA, J. (Oral)

After being declined bail by the trial Court, petitioner before this Court seeks his release as an undertrial in a case bearing FIR No.391 dated 04.10.2018 (Annexure P-1), registered under Sections 392, 34 and Section 397 (added later on) of the Indian Penal Code, 1860 (for short 'IPC') and Section 25 of the Arms Act, 1959 at Police Station, Tauru, District Nuh.

2. Per FIR, one Balram filed a complaint with the police, stating that on 01.10.2018, he had picked up passengers in his Ecco car and was en-route Hasanpur. At approximately 10.45 P.M., on reaching HasanpurBanni, the occupants of his car coerced him into driving onto the unpaved shoulder of the road. They tied his hands and legs, forcefully put him in the back seat of the car. They also brandished a pistol and a knife, giving threats of severe consequences. Subsequently, he was abandoned in a forested area. As they fled in his car, the assailants confiscated his mobile phone and his purse containing Rs. 5,000/-. The mentioned vehicle was eventually recovered in connection with the case registered under FIR No.48/2020 at Police Station Diviyapur, Ooriya, Uttar Pradesh, and has been taken into custody as an evidence in the ongoing case. Petitioner and co-accused were arrested in the present case on issuance of production warrants. They confessed of their involvement in the present case.

3. Learned counsel for the petitioner contends that petitioner has been falsely implicated in the present case. Learned counsel for the petitioner points out that petitioner was facing trial before the Illaqa Magistrate as initially charge under Section 392 IPC was framed, which is triable by Magistrate. Thereafter, when the case was fixed for defence evidence, after recording the statement of petitioner under Section 313 Cr.P.C., another charge under Section 397 IPC was framed on 08.02.2023. Trial then started de novo. Further submits that nothing is to be recovered from the petitioner and he is not required for further custodial interrogation. Petitioner is in custody since 21.10.2020. Conclusion of trial will take long time. Thus, no useful purpose would be served by keeping the petitioner behind the bars.

4. Per contra, learned State counsel, opposes the bail petition and contends that petitioner has committed serious offence. He further submits that petitioner is the main culprit and forcibly took the car of the petitioner. He further submits that petitioner and his co-accused suffered custodial statement admitting their complicity in the present case. In case, petitioner is granted concession of bail, there are chances of his fleeing from justice. Per custody certificate, petitioner is also involved in two other cases although he is on bail in those cases.

5. I have heard rival contentions of learned counsels for the parties and have gone through the case file.

6. Custody certificate dated 20.08.2023 has been tendered in course of hearing by learned State counsel, which is taken on record.

7. Allegations against petitioner are a matter of trial at this stage. Conclusion of trial is still likely to take long time as it is proceedings at a snail pace. Bail allows an accused to maintain his freedom until his guilt or innocence is determined. Whereas, petitioner has already been languishing in jail for the past more than 02 years and 10 months, being behind the bars since 20.10.2020.

8. Petitioner is being kept in preventive custody merely on an unfounded suspicion that if he is let out, he may either tamper with evidence and/or influence

witnesses. There is no probability of tampering with evidence as the same has already been seized by the investigating agency.

9. It is stated that petitioner is agriculturist by profession and is poor person, having added responsibilities of his younger brother. He dependent on him, who is living in sheer penury in his absence.

9. Considering the overall scenario and without commenting on merits of the case, the instant petition is allowed. I am of the view that no useful purpose would be served to keep petitioner in further preventive custody in instant case.

10. Accordingly, petitioner is ordered to be released on bail, in case not required in any other case, on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court, where his case is being tried and in case he/she is not available, before learned Duty Judge, as the case may be. Petitioner is not a resident of Haryana and belong to Uttar Pradesh, it therefore ordered that he shall report to the Investigating Officer of the case every 15 days.

11. In case, petitioner is found involved or gets involved in any offence while on bail, the prosecution shall be at liberty to seek cancellation of his bail in the instant case.

12. It is made clear that any observations and/or submissions noted hereinabove shall not have any effect on merits the case as the same are for the limited purpose of hearing the instant bail petition alone and learned trial Court shall proceed without being influenced with this order.

13. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

August 21, 2023
Ajay

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