

(212) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-49520-2022
Date of Decision: 13.01.2023

BHISHAM

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. R.K. Sharma, Advocate
for the petitioner.

Mr. Kanwar Sanjiv Kumar, Asstt. A.G., Haryana.

JASJIT SINGH BEDI, J.

The petitioner seeks the grant of regular bail under Section 439 Cr.P.C. in case bearing FIR No.109 dated 05.03.2022 registered under Sections 170, 406, 420, 506 IPC and Section 25 of Arms Act, (Sections 171, 472, 473 IPC and Sections 28, 54, 59 of Arms Act added later on and Section 25 of the Arms Act deleted) at Police Station City, Palwal, District Palwal.

2. The brief facts of the case are that the statement of Nand Kishore son of Gopal Parsad was got recorded to the effect that he along with Anoop son of Khem Chand and Satbir son of Chander Singh were doing repairing work. One Bhisham (petitioner) came to them for getting his car repaired and introduced himself as Munshi of CIA Barkhal. In lieu of getting them appointed as Home Guard in the Police and as Computer Operator, he took a sum of Rs.1,50,000/- from Nand Kishore and Rs.50,000/- from Anoop Dagar. He also took along with him Aadhar Card, PAN Card, Bank Passbook,

photographs and 10th Class mark sheet. He kept the mobile phone of Satbir and gave another mobile phone in lieu of that phone. He also used to carry an illegal weapon and called himself as a police employee. When they demanded their money back, Bhisham (petitioner) showed a pistol to them and stated that he was from the CIA Department and in case they (complainants) demanded money from him then they would be killed.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The question of impersonation did not arise. The complainant-Nand Kishore, Satbir and Anoop Daggar have been examined as PW1, PW2 and PW3, respectively. They have not supported the case of the prosecution. Similarly, PW4 and PW5 have also not supported the case of the prosecution. Since the petitioner was in custody since 06.03.2022 and 05 material witnesses out of 11 cited in the list of witnesses have been examined, the further incarceration of the petitioner was not required.

4. On the other hand, the learned State counsel contends that the petitioner has misled the complainants. The nature of allegations did not entitle him to the grant of bail, moreso, when he has criminal antecedents with two other FIRs registered against him.

5. I have heard the learned counsel for parties.

6. Admittedly, the petitioner has been in custody since 06.03.2022. The material witnesses have been examined and have turned hostile. In the two other cases registered against the petitioner, the petitioner is stated to be

on bail and a compromise has been effected in both those cases. In such a situation, the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Bhisham son of Laxman is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

13.01.2023

JITESH

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