

2023:PHHC:138874

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

233

CRM M-52756 of 2023
Date of Decision: 31.10.2023

Phool Singh

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

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

Ms. Sheenu Sura, DAG, Haryana.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail in case FIR No.391 dated 04.10.2018 registered under Sections 392, 34 IPC and 25/54/59 of the Arms Act (Section 397 IPC added later on) at Police Station Tauru, District Nuh.

2. The FIR in the present case was registered on 04.10.2018, on the basis of a complaint filed by Balram, who alleged that he was driving a car bearing registration No. HR72-D-5404 from IFFCO Metro Station To Dharuhera. At about 10.45 p.m., on 01.10.2018, he had allowed certain passengers to board his car and on the way, the occupants of the car forced him to take the car on the *katcha* berm of the road. He was forcibly put on the back seat of the

car and after tying his hands and legs, he was thrown in the forest area. As per the complainant, the accused had pointed pistol and knife on him and threatened him of dire consequences. They also snatched his mobile phone and the purse containing Rs. 5000/-. He had been searching his vehicle, but could trace the same and ultimately got the FIR registered on 04.10.2018.

3. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case. In fact, the petitioner was wrongly arrested in another FIR No. 48 dated 08.02.2020 registered under Sections 307, 467, 468, 471, 411 and 34 IPC at Police Station Dibiyapur, District Auraiya, Uttar Pradesh and on the basis of disclosure statement suffered in the said case, the petitioner was nominated as an accused in the present case. Learned counsel further contends that he was arrested in the present case on 20.10.2020 and is in custody for the last more than 03 years. The prosecution has only examined 1 witness out of 15 witnesses and further custody of the petitioner will not serve any meaningful purpose. He further contends that the similarly placed co-accused Jeetu Yadav has already been granted the concession of bail in CRM-M-30858-2023 on 21.08.2023 by this Court.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that one more case, i.e., FIR No. 48 dated 08.02.2020

registered under Sections 307, 467, 468, 471, 411 and 34 IPC at Police Station Dibiyapur, District Auraiya, Uttar Pradesh has also been registered against the present petitioner.

4. I have heard learned counsel for the parties and perused the record.

5. In the present case, the petitioner is continuing in custody since 20.10.2020 and the trial is progressing at snail's pace. Apart from that, the prosecution has not been able to place on record any evidence to show that the petitioner is in a position to influence the witnesses of the prosecution or may flee from the process of justice. Apart from that, similarly placed co-accused Jeety Yadav has already been granted the concession of bail in CRM-M-30858-2023 on 21.08.2023 by this Court.

6. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

31.10.2023

amit rana

(N.S.SHEKHAWAT)

JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No