

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

207

CRM-M-60938 of 2022
DATE OF DECISION:-10.02.2023

Gaurav Sissodia @ Gaurav Rana

...Petitioner

vs.

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Samar Aahluwalia, Advocate, for
Mr. Akshay Jindal, Advocate, for the petitioner.

Mr. Sumit Jain, Addl. A. G. Haryana.

HARKESH MANUJA, J.

By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, petitioner prays for grant of bail pending trial in case FIR No.26 dated 27.01.2022 under Sections 420, 467, 468, 471, 120-B of IPC, registered at Police Station Sector-9, Ambala City (Annexure P-1).

Learned counsel for the petitioner submits that investigation in the present case already stands concluded with the filing of challan on 13.10.2022 and the petitioner is already behind the bars for almost 6 months. Learned counsel further submits that as per the allegations levelled in the FIR, the material booked at the instance of petitioner through Dashmesh Transporter already got unloaded on 24.01.2022 in Muzaffarpur and as such, the articles apprehended by the Bihar police in Sidhpur which were lying in the truck/canter No. HR37-C-3032 could not be connected with the petitioner in any manner and as such, the petitioner deserves concession of regular bail.

On the other hand, learned State counsel opposes the prayer made herein while submitting that 5 other cases of similar nature are also pending

against the petitioner and out of those 5, in 1, the petitioner was convicted in 2014.

I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

Considering the fact that, petitioner is behind the bars for almost 6 months and investigation already stands concluded followed by filing of challan on 13.10.2022 and the trial is likely to take some time, I find merit in the contention raised on behalf of the petitioner. Even on merits, from the contents of FIR, it can be seen that the articles which were got booked at the instance of the petitioner through Dashmesh Transport were already got unloaded on 24.01.2022, in Muzaffarpur whereas the truck in question was apprehended by the Bihar Police in Sidhpur and thus, the petitioner deserves the concession of regular bail as there does not appear to be any justification to extend the incarceration of the petitioner. Further more, for the purpose of granting bail, the allegations levelled against the petitioner in the present FIR are primarily to be seen at this stage.

Without commenting anything on the merits, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

However, nothing expressed hereinabove shall be construed as an expression on the merits of the case.

10.02.2023.
anil

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No