

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5657-2024
Date of Decision:08.02.2024

Virender Kumar ...Petitioner

vs.

State of Haryana ...Respondent

Coram : **Hon’ble Mr. Justice N.S.Shekhawat**

Present: Mr. Ravinder Phogat, Advocate
 for the petitioner.

Ms. Sheenu Sura, Deputy Advocate General, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 439 Cr.PC with a prayer to grant regular bail to him in case FIR No. 290 dated 16.09.2023, registered under Sections 420,467,468,471 of IPC (Sections 511,120-B,186,34 of IPC added later on) Police Station Murthal District Sonipat, Haryana.
2. The FIR in the present case was registered on the basis of the statement made by Randhir Singh. The FIR (Annexure P-1) has been reproduced as under:-

“To, The Police Station Murthal (Sonipat), Sir it is requested that Randhir Singh driver number 580 and Krishna Kumar driver number 574 as per the order of G.M. Murthal. To monitor the parking vehicles at the main gate of Driver Training Center Murthal and record the vehicles parked in overload by the R.T.O. and the Enforcement Team after paying the challan, there is a duty to release them after taking the parking fee. So today on 16-09-2023 at around 11:23 A.M, vehicle number HR46F-9733 and

HR46F-6545 were stopped for overloading by the enforcement team. So around 2:00 PM the drivers of the above mentioned vehicles brought the photocopy of the fine filled receipt to release the vehicle and presented it to us which is stored in our records, then we suspected them that it was Saturday when the office was closed. Due to this, the fine cannot be paid so quickly. So when we inquired at the R.T.O office, the R.T.O officials informed that the challan receipt was fake and during this period the owner of both the vehicles had come to get the vehicle released. When he asked his name and address, he gave his name Virender S/o Ranbir Village Jindaran (Kalanour) District Rohtak. After that we informed the police by dialing 112 and similarly on date 06-09-2023 vehicle number RJ52GB-2483, and on date 12- 09-2023 vehicle number RJ52GB-2483, the owner/drawer of number RJ 52GA-8114, name and address, unknown fake receipt, submitted a photocopy of the fine and took away their respective vehicles. Virender, the owner of above mentioned vehicle number HR46F9733 and HR46F-6545, paid Rs.39,000/- plus Rs.31,000/- totaling Rs.70,000/- and the loss has been caused to the Haryana Government. And similarly vehicle number RJ52GB-2483 charged Rs.1,70,500/- and vehicle number RJ52GA-8114 charged Rs.1,51,000/-. They, in collusion with some unknown person caused a loss to the Haryana Government by preparing fake receipts in the name of the RTO office, which is a total of Rs.3,91,500/-. The above amount should be recovered from the above mentioned vehicle driver owners and legal action should be taken against them. The owner of vehicle number HR46F-9733 and HR 46F-6545 was caught at the spot and handed over to you and both the above vehicles are closed in D.T.I Murthal. The remaining two vehicles have been released due to fake driving receipts and no address on them. Photocopies of the fake receipts of the above four vehicles are attached. Legal action should be taken against them. Thanks SD/- Randhir Singh D-580 Applicant Randhir Singh Driver No.-580 Incharge Parking Receipt Driver

*Training Center Murthal PH.NO. 9466703088 Dated 16-09-2023
Surajbhan Charge Master, Krishna Kumar Driver No. 574 Driver
Training Institute Murthal”*

3. Learned counsel for the petitioner contends that the petitioner was arrested in the present case on 19.09.2023 and is in custody since then. He has been falsely implicated in the present case. Even no recovery has been effected from him and no prosecution witness has been examined so far. He next contends that the similarly placed co-accused Vatan Singh @ Sonu has already been granted the concession of bail by this Court vide order dated 22.12.2023 (Annexure P-2).

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner is involved in a serious crime and does not deserve the concession of bail.

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

5. The petitioner was arrested in the present case on 19.09.2023 and is in custody for the last 04 months. The prosecution has not been able to examine even a single witness till date and further custody of the petitioner will not serve any meaningful purpose. Still further, similarly placed co-accused Vatan Singh @ Sonu has already been granted the concession of bail by this Court vide order dated 22.12.2023 (Annexure P-2).

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty

Magistrate/Chief Judicial Magistrate, concerned.

08.02.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No