

211

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-1618-2024 in/and
CRM-M-25339-2023
Date of decision : 30.01.2024

ANKITPetitioner

Versus

STATE OF HARYANA ...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Sahil Choudhary, Advocate
for the applicant/petitioner.

Mr. Gaurav Bansal, DAG, Haryana.

PANKAJ JAIN, J. (ORAL)

CRM-1618-2024

Prayer in this application is for preponing the main bail petition
which is stated to pending for 6th of March, 2024.

For the reasons recorded in the application, the same is
allowed. The main petition is taken on Board today itself for hearing.

CRM-M-25339-2023

This petition has been filed under Section 439 Cr.P.C. for grant
of regular bail to the petitioner in case F.I.R. No.676 dated 06.12.2021
registered for the offences punishable under Sections 195-A and 506 of the
Indian Penal Code, 1860 at Police Station Sector 32 and 33, District Karnal.

2. Custody Certificate of the petitioner has been filed today in

Court. The same is taken on record.

3. As per the contents of the FIR it has been alleged as under :

“xx it is requested that I, Dalbir Singh Mann son of Kanwar Bhan, am resident of House No. 2189, Sector-7, Karnal and I am business of mining in the name and style of M/s Jai Yamuna Ji Developer and I have office at SCO No. 103, Sector-7, Karnal. On dated 20.07.2018, a robbery was conducted in our abovesaid office by someone and robbers had been stolen Rs. 24.68 Lacs regarding which an FIR No. 611 of 2018 is registered in the police station of Civil Line, Karnal. Later on the police had arrested the accused persons and had presented Challan against accused in the court. Now the abovesaid case is fixed for the evidence of witnesses, in which next date of hearing is 09.12.2021. On dated 04.12.2021, Rajat, who is doing job with us and who is witness in the abovesaid case, received a telephonic call on his mobile no. 99924-41333 from one Seeta, resident of Foosgarh Karan Bihar from mobile no. 89502-05638 and he threatened to Rajat not to put witness. After that Sachin received a telephonic call on his mobile no. 99918-81818, from a person namely Ankit Sharma from his mobile no. 89502-05638 and he also threatened not to appear as witnesses and to put witness. On dated 05.12.2021 at about 9:24 PM, I received phonic call on my mobile no. 98967-54000, from mobile no. 015085047844, who also threatened me not to witnessed. If you give witnesses, then its result will not good. It is requesting you that suitable legal action may be taken against the abovesaid persons I shall be thankful. Sd/- Dalbir Singh Mann xx”

4. The petitioner is behind bars for more than 2 years, 1 month and 11 days. Investigation stands concluded and challan stands presented.

5. On 29th of August, 2023 following order was passed :

“Let the State file an affidavit especially with regard to

the fact that as to whether now there is any threat to the witnesses from the petitioner or not.

Xxx”

6. Pursuant thereto status report by way of affidavit of Suresh Kumar, HPS, DSP (HQ.) Karnal has been filed wherein the specific assertion by the State reads as under :

“4. That now there is no threatening of any kind to the witnesses from the petitioner in case bearing FIR No.611/2018 registered in Police Station Civil Lines, Karnal. No such complaint of threat was received again.”

7. Apart therefrom counsel for the petitioner submits that the parties have compromised the matter and refers to the affidavits of the complainant(s) and victim.

8. State Counsel is not in posititon to dispute the factual assertions made by counsel for the petitioner based on record.

9. I have heard counsel for the parties and have gone through records of the case.

10. Without commenting on the merits of the case, keeping in view the incarceration already suffered by the petitioner and the fact that the Challan stands presented and the State is on affidavit to state that there is no threat perception to the witnesses, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

11. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

January 30, 2024		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No