

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-29428-2024
Reserved on: 14.08.2024
Pronounced on: 30.08.2024

Sita Ram Garg ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Ms. Manjot Kaur, Advocate
for the petitioner.

Mr. Jasjit Singh, D.A.G., Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
57	03.03.2024	Tosham, District Bhiwani	171, 388, 420, 120-B IPC

1. The petitioner, incarcerated upon his arrest in the FIR captioned above, has come before this Court under Section 439 of the Code of Criminal Procedure, 1973 (CrPC), seeking bail.

2. As per paragraph 8 of the status report, the accused has the following criminal antecedents:-

Sr.No.	FIR No.	Dated	Offences	Police Station
1.	124	07.07.2022	13 A-3-67 G. Act	Didba Punjab
2.	132	21.08.2002	13 A-3-67 G. Act	Didba Punjab
3.	64	23.04.2003	420 IPC	Didba Punjab

3. Petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and family.

4. State opposes the bail.

5. Facts of the case are being taken from status report dated 08.08.2024 filed by concerned DySP which reads as under:-

“2. That the brief facts of the case are that on dated 03.03.2024, complainant Jitender Pal @ Bittu moved written

complaint in Police Station Tosham with the details that he is resident of Ghagha, District Patiala (Punjab) and runs a shop at the local bus stand of his village. His relative Pawan Kumar was a regular customer at his shop and talked about Cement Crusher business. On 05.02.2024, a person came revealing his name as Chaudhary to the shop and they started friendly talks and this Chaudhary projected that he can arrange the Crusher work in Haryana. Further talks took place when on 08.02.2024, as planned between the parties, complainant took Rs.12 lacs in his Swift car No. PB11BL4983 along with Pawan, and reached near Tosham road where they met Chaudhary who also sat in the same car and then they reached at a Dhaba. Chaudhary enquired about the money and then after, Chaudhary projected that he will take the complainant to the Farmhouse for further negotiations. They travelled 20 meters when the car was stopped and three police officials came in one police vehicle with red light (Artika vehicle). They came near the complainant sitting in his car and forced him to give his Rs. 12 lacs on the pretext that police suspects these currency notes to be counterfeit currency notes. The police persons asked the complainant to go away, by giving threatening. Later, the complainant tried to trace the culprits and finally, gave the complaint on the basis of which present FIR registered on 03.03.2024. The true translated version of FIR is already placed on file as Annexure P-1.”

6. State opposes the bail and has referred to para no.7 of the status report which reads as under:-

“7. That the present petition and three of the main accused have been arrested and three other yet to be arrested. The complainant had been robbed by three persons who had come in police dress with cap, stars, badges, in a police vehicle with red light on top of the vehicle. It was later revealed that this was a fraudulent and criminal act. The present petitioner was arrested on the basis of disclosure statement of co-accused and call details. The investigation of the case is yet underway as other co-accused are yet to be arrested. The present petitioner is one of the main accused from whom recovery of huge cash amount of Rs.5,90,000/- has been effected. The present petitioner is a hard core criminal against whom as many as four other criminal cases were registered in police station Dirba (Punjab) and he may cause hurdle in arrest of co-accused who are yet to be arrested and may also influence the prosecution witnesses yet to be examined during trial, if released on bail.”

7. An analysis of the arguments advanced would lead to the following outcome. Although there is sufficient prima facie evidence connecting the petitioner with the commission of offence, but solely on the ground that petitioner is in custody from 03.04.2024 viz-a-viz the amount involved, the petitioner is entitled to bail.

8. As per paragraph 8 of the bail petition, the petitioner has been in custody since 08.05.2024. Given the penal provisions invoked regarding pre-trial custody, coupled with the primafacie analysis of the amount involved and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

9. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

10. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

11. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

12. This order is subject to the petitioner's complying with the following terms. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

13. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

14. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

Petition allowed in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

30.08.2024
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.