

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-50725-2023

Date of Decision: February 29, 2024

ROHIT KUMARPetitioner
Versus
STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. G.S. Madaan, Advocate and
Mr. Anshul Sharma, Advocate for the petitioner.

Mr. Athar Ahmed, DAG, Punjab.

HARKESH MANUJA, J. (ORAL)

1. By way of present petition filed under Section 439 CrPC, prayer has been made for grant of regular bail in case FIR No. 54 dated 24.03.2023 registered under Sections 406, 420 and 34 of IPC (Sections 465, 467, 468, 471 and 120-B of IPC added later on) at P.S. Mukerian, District Hoshiarpur wherein, the petitioner has been implicated on the basis of disclosure statement made by co-accused namely Harjeet against whom the allegations of having taken money from the complainant for getting him job in Punjab Police are levelled.
2. Learned State counsel files reply by way of an affidavit of Vipan Kumar PPS, Deputy Superintendent of Police, Sub-Division Mukerian, District Hoshiarpur, the same is taken on record. Learned State counsel opposes the prayer made herein while referring to the involvement of petitioner in one more case of similar nature besides, the custody of the petitioner which is only 7 months.

3. 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.

4. In the present case, the petitioner was never named in the FIR but was implicated on the basis of disclosure statement made by co-accused namely Harjeet, besides the recovery of identity cards and Punjab Police uniform from the petitioner. The custody of the petitioner is already 7 months and investigation already stands concluded with the filing of challan followed by framing of charges; the trial is likely to take some time as only two of the prosecution witnesses out of 19 have been examined so far. Moreover, the petitioner of his own volition is ready to compensate the complainant against a non-refundable sum of Rs.2,00,000/- without prejudice to his rights in the trial before the trial Court at the time of filing of his bail/surety bonds in order to show his bona fides. Considering the aforesaid facts and circumstances, this Court does not find justification to extend his incarceration any further.

5. In view of the above, without commenting anything on the merits, lest it may prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate and deposit of Rs.2,00,000/- with the trial Court at the time of his release, which shall be released in favour of the complainant upon due verification.

29.02.2024
Tejwinder

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No

