

Law Today Live Doc. Id. 15584

PUNJAB AND HARYANA HIGH COURT

Before: Arun Kumar Tyagi, J.

CRM-M-45589-2019

Decided on: 05.11.2020

Kuldeep

Petitioner

Versus

State of Haryana and another

Respondents

Present:

Mr. Sartaj Singh Thakur, Advocate for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana for the respondent-State.

None for respondent No.2 despite service.

Indian Penal Code, 1860 (45 of 1860), Sections 342, 395, 397, 120-B, 365, 412, 413, 414, 420, 467, 468 -- Arms Act, 1959 (54 of 1959), Section 25 – Code of Criminal Procedure, 1973 (2 of 1974), Section 439 – Regular bail – Petitioner in custody since 14.05.2019 -- Petitioner was not named in the FIR and was implicated on the basis of disclosure statements of co-accused -- Petitioner is involved in one more case of similar nature -- In view of the facts and circumstances of the case, nature of accusation and evidence against the petitioner, the period of his custody and the fact that the trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19 but without commenting on the merits of the case, Court extended the concession of regular bail to the petitioner.

(Para 3-8)

ARUN KUMAR TYAGI, J. (ORAL) –

(The case has been taken up for hearing through video conferencing.)

1. The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.75 dated 14.02.2019 registered under Sections 342, 395 and 397 of the Indian Penal Code, 1860 (for short 'the IPC') and Sections 25 of the Arms Act, 1959 in Police Station Rai, District Sonapat to which Sections 120-B, 365, 412, 413, 414, 420, 467, 468 and 472 of the IPC were added lateron.

2. The above said FIR was registered on statement of Rameshwar. In his statement Rameshwar alleged that on 13.02.2019 he along with Amid cleaner-cum-helper loaded 700 bags of sugar from Dwarikesh Sugar Mill, Bundki, Bijnaur in his truck and left for Narnaul. When they crossed U.P. boarder and reached in the area of Haryana, five persons came in a car and took him and his cleaner-cum-helper in the car and after two hours threw them at some abandoned place. The offenders had also taken away his mobile phone. He took phone from someone and informed Amit Kumar who informed the owners of the sugar bags Ram Kumar and Surender Kumar who came and he along with them reported the matter to the police.

3. The petitioner, who is in custody since 14.05.2019, has filed the present

petition for grant of regular bail.

4. The petition has been opposed by the learned State Counsel.

5. I have heard learned Counsel for the petitioner and learned State Counsel and have gone through the relevant record.

6. Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. The petitioner was not named in the FIR and was implicated on the basis of disclosure statements of co-accused Mahipal, Sunil @ Bhima and Sonu. The alleged recovery was falsely planted on the petitioner. Challan has been filed but the trial is likely to take long time due to restrictions imposed to prevent spread of infection of Covid-19. No useful purpose will be served by further detention of the petitioner in custody during trial. Therefore, the petitioner may be granted regular bail.

7. On the other hand, learned State Counsel has argued that the petitioner and his co-accused had committed dacoity and looted 700 bags of sugar and the truck and also snatched the mobile phone of Rameshwar. 9 bags of sugar, amount of Rs.36,500/- sale proceeds of looted sugar and amount of Rs.57,000/- sale proceeds of the looted truck were recovered from the petitioner. The petitioner is involved in one more case of similar nature. In view of the gravity of offences, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

8. In view of the facts and circumstances of the case, nature of accusation and evidence against the petitioner, the period of his custody and the fact that the trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19 but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the petitioner.

9. Accordingly, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

10. However, the petitioner is granted regular bail subject to the condition that he shall not commit any similar offence after his release on bail and in case of commission of similar offence by him in future his bail in the present case shall also be liable to be cancelled on application to be filed in this regard.

Petition allowed.
