

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-16151 of 2016 (O&M)

Date of Decision: 16.05.2016

Ashu

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Dr. Puneet Sekhon, Advocate for the petitioner.

Mr. Deepak K. Grewal, D.A.G., Haryana.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case F.I.R. No.278 dated 29.11.2015 under sections 307, 34 I.P.C read with sections 25, 54, 59 of Arms Act, registered at Police Station, Bilaspur, District Yamuna Nagar.

Learned counsel for the parties have been heard.

Briefly noticed allegations are that a ransom call was allegedly made to one Dr. Sachin Garg on 29.11.2015. Police authorities having been notified, Constable Randhir Singh was deputed as a decoy so as to pose himself to be the driver of the doctor and was made to carry a bag purportedly carrying cash. As per prosecution version, Constable Randhir Singh drove the car of the doctor to the indicated place and found a young boy on a motorcycle which did not have any registration plate. At a distance, two more boys on another motorcycle were also waiting.

In so far as the present petitioner is concerned, he is stated to have indicated Constable Randhir Singh to stop and attempted to snatch the bag containing money. Constable Randhir Singh, however, managed to

grapple with the present petitioner and the precise allegations are that the other two boys on the other motorcycle resorted to firing. Upon hearing the fire arm shots a police party headed by Inspector Sandeep Kumar caught hold of the petitioner as also the other two boys.

Precise submission raised by learned counsel for petitioner is that even as per prosecution version the role attributed to the present petitioner is of having made an attempt to snatch the bag containing currency notes from Constable Randhir Singh, who had been set up as a decoy. Prosecution version itself attributes the role of firing to the other two boys and co-accused namely Gurdeep and Sanjeev.

In view of the above, the question as to whether offence under Section 307 I.P.C is made out against the present petitioner, would be a moot question to be considered during trial proceedings.

Investigation in the case has been completed, challan stands presented and even charges have been framed.

The trial is stated to be at the initial stage and would take some time to conclude.

Petitioner has faced incarceration since 29.11.2015.

Without making any observations on merits and keeping in view the length of incarceration already suffered by the petitioner, present petition is allowed. Petitioner be enlarged on bail subject to satisfaction of C.J.M./Duty Magistrate, Yamuna Nagar.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

16.05.2016
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