

CRM-M-33898-2016

Decided on: December 17, 2016.

Ram Niwas

.... Petitioner

Versus

State of Haryana

..... Respondent

**CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI**Present: Mr. Diwan S. Adlakha, Advocate  
for the petitioner.

Mr. Ramesh Kumar, AAG, Haryana.

**M.M.S. BEDI, J (ORAL)**

Petitioner seeks concession of regular bail in a case registered at the instance of Rajiv Arora, alleging that on 24.05.2016, the complainant was away from his house and he received a call from his wife asking him to reach home immediately. When complainant reaching his house, he found three accused escaping with a suitcase on a motorcycle and wife of the complainant had been conflicted grievous injuries. The petitioner has been involved in the case on the basis of disclosure statement of his co-accused, namely, Naresh Kumar.

Counsel for the petitioner submits that the statement of complainant and other material witnesses stand already recorded and that the prosecution agency did not collect any evidence regarding the involvement of the petitioner. During the course of the trial, it has transpired that the petitioner was earlier an employee of the complainant and later on left the job of the complainant.

It will not be appropriate at this stage enter into the niceties of the trial to determine culpability of the petitioner being a

conspirator behind the crime committed by his co-accused by causing grievous injuries after committing the offence of lurking house trespass.

The petitioner has been in custody since 01.06.2016. Statement of complainant-injured has already been recorded. It has been informed that though the material witnesses have been examined but 14 material witnesses still remain to be examined. Since the petitioner himself had been an employee of the complainant and has been involved in the case on the basis of the statement of the co-accused, *prima facie* there appears to be no other person who would bring out the culpability of the petitioner being the conspirator.

Taking into consideration, the totality of the situation, I dispose of this petition with a direction that in case all the prosecution witnesses are not examined within a period of four months after the next date of hearing fixed before the trial Court, the trial Court shall release the petitioner on bail on his furnishing bail bonds/surety bonds to its satisfaction.

**(M.M.S. BEDI)**  
**JUDGE**

**December 17, 2016**

*ps-I*

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No