

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-34741 of 2015

Date of decision: May 04, 2016

Ramesh @ Mesha

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Sunil Saharan, Advocate for the petitioner.

Dr. Sushil Gautam, DAG, Haryana.

Mr. Kanwaljit Singh, Advocate for the complainant.

Rajan Gupta, J.(oral)

This is a petition under Section 439 Cr.P.C. seeking regular bail in a case registered against the petitioner under Sections 396, 420, 120-B, 412, 216 IPC and Sections 25/54/59 of Arms Act at Police Station Ratia, District Fatehabad, vide FIR No.45 dated 18.01.2011.

Learned counsel for the petitioner submits that petitioner has been incarcerated since 9.5.2011. No particular role has been assigned to him. He, thus, deserves to be enlarged on bail.

Prayer has been opposed by the State counsel as well as counsel appearing for the complainant. According to them, the trial is at its fag end, which is fixed for final arguments now.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

FIR was lodged on the basis of complaint made by

Harcharan Singh. Allegedly fourteen persons hatched a criminal conspiracy and committed a dacoity with murder. They took away Rs.22.00 lacs from Bhim Singh after killing him. Though name of the petitioner did not figure in the FIR, the investigating agency found that he was involved in the crime. Recovery of Rs.2,90,000/-, copy of agreement to sell and a mobile phone were recovered from him. It appears, trial has already culminated and case is fixed for arguments. It remained pending due to the reason that co-accused Manoj was declared a juvenile by the trial court after statements of accused under Section 313 Cr.P.C. had been recorded. Revision petition emanating from said order (CRR-211 of 2015) has been disposed of by this court vide separate order of even date. A direction has been issued to the trial court to decide the issue of juvenility afresh within two months.

Keeping in view facts and circumstances of the case and the punishment it would entail in the event of conviction for commission of Section 396 Cr.P.C., I am of the considered view that petitioner is not entitled to concession of bail.

Dismissed.

Trial court shall, however, endeavour to conclude the trial as expeditiously as possible.

(RAJAN GUPTA)
JUDGE

May 04, 2016
'Rajpal'