

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-33310-2017
Date of decision :11.10.2017**

Ramesh Kumar

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR.JUSTICE H.S. MADAAN

Present : Mr. Manvinder Singh Sidhu, Advocate
for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana.

H.S. MADAAN, J. (Oral)

This petition for grant of regular bail has been filed by Ramesh Kumar an accused in FIR No.78 dated 19.06.2017 under Sections 394 201/34 IPC, registered with Police Station Nathu Sarai Chopta, District Sirsa.

Briefly stated facts of the case as per prosecution version are that on 18.06.2017 at about 7.15 pm. when complainant Hanuman son of Ram Rakha resident of Nejia Khera was present at bus stand of Nohar of Nathuy Sari Chopta for boarding a bus to Barasari, then a car of white colour came there having three boys as occupants, one of them inquired from the complainant where he wanted to go, to which the complainant informed that he has to go to Barasari, the boys in the car offered to drop him there, accordingly the complainant sat in the car; that the boys were in

the age group of 20-25 years, one of them started beating the complainant and took out ₹3,500/- and mobile phone make Lava having SIM No.94679-45075 from his pocket; that the complainant was pushed out of running car at Jorkian road; that son of complainant arrived there and removed him to the hospital. On an application filed by the complainant, formal FIR was registered, the matter was investigated and on identification of the complainant accused Ramesh Kumar (present petitioner) and Naresh Kumar alias Narender were arrested. They suffered disclosure statements admitting there involvement as well involvement of one Amandeep alias Deep in the incident. Amandeep alias Deep was also arrested in this case, but he was declared a juvenile. The looted amount and the car used in the incident were recovered by the Investigating Officer in pursuance of the disclosure made by the accused.

After completion of investigation challan against them has been filed and they are facing trial in the Court of JMJC Sirsa.

The petitioner had filed an application for bail before the trial Court, which was dismissed, thereafter he had approached the Court of Sessions but was also unsuccessful there, as such he has knocked at the door of this Court seeking similar relief.

Notice of the petition was given to the State.

I have heard learned counsel for the petitioner and learned State counsel, besides going through the record.

It is submitted by learned counsel for the petitioner that the petitioner does not have any past criminal record and he is aged about 23 years, further offences are triable by the Court of Magistrate and co-

accused of the petitioner namely Amandeep alias Deep has been granted bail by Juvenile Justice Board. The trial is at preliminary stage and its conclusion would likely to take considerable time, therefore, it is prayed that bail be granted to the petitioner.

Though learned State counsel has opposed the request vehemently but I find that keeping in view the facts and circumstances of the case it would be proper and appropriate if the concession of regular bail is granted to the petitioner. Moreover, conclusion of trial will take long time, hence no useful purpose will be served by keeping them behind the bars any more. Therefore, in view of the abovesaid circumstances, this petition is accepted. Petitioner-Ramesh Kumar be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of the learned CJM / Duty Magistrate, Sirsa.

While accepting the bonds, Chief Judicial Magistrate / Duty Magistrate may impose any terms and conditions found appropriate to ensure that the petitioner should not abscond. His Passport may also be got surrendered, if he has got one, otherwise to get affidavit from him that he does not have any passport. It is made clear that if after being released on bail in this case, the petitioner is found indulging in any other criminal activity, the order suspending his sentence and grant of bail shall be liable to be withdrawn.

11.10.2017
Gaurav Sorot

(H.S. MADAAN)
JUDGE

1. Whether reportable? **No**
2. Whether speaking / reasoned? **Yes**