

207.

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

CRM-M-42531-2017

Date of decision:17.11.2017.

RAVI @ SULAD

... Petitioner

Versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Rahul Jaswal, Advocate,
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.0354 dated 20.05.2017 under Sections 395/397 IPC and 25 of Arms Act, 1959 registered at Police Station Samalkha, District Panipat.

Learned counsel for the petitioner states that initially the FIR was registered under the Arms Act. However, as there was no recovery of arms, the offence under the Arms Act was deleted. He further states that the allegation against the petitioner is that the petitioner along with other co-accused while riding on the scooty and motorcycle armed with pistol, iron rods, sticks and knives came to the liquor vend of the complainant and gave beatings to the complainant.

They took ₹5,000/- from the cash box and after snatching the mobile

phone Mark Intex from the complainant, they ran away. The petitioner is in custody since 25.05.2017 and the trial in the case will take sufficient long time as prosecution evidence is yet to start.

Learned State counsel, on instructions from ASI Suresh Kumar, states that apart from the present FIR, there is another FIR registered against the petitioner i.e. FIR No.351 dated 20.05.2017 under Sections 379-B, 452, 506, 34, 147, 149 IPC, Police Station Samalkha, District Panipat. He further states that since the weapon was not recovered from the petitioner, the offence under the Arms Act was deleted. He has further argued that regular bail application of co-accused, namely, Naveen has also been dismissed as withdrawn by this Court on 26.09.2017 in CRM-M-35215-2017 titled as 'Naveen Versus State of Haryana'.

I have heard learned counsel for the parties.

So far as the dismissal of regular bail of the co-accused namely, Naveen is concerned, same was dismissed as withdrawn on 26.09.2017. The petitioner is stated to be in custody since 25.05.2017 and the allegations against the petitioner in the connected FIR No.351 dated 20.05.2017 are that he along with other co-accused had taken away ₹400/- from the liquor vend. Incidentally, the liquor vend in both the cases i.e. in present FIR No.354 dated 20.05.2017 and FIR No.351 dated 20.05.2017, is owned by the same owner. Therefore, it cannot be ruled out at this stage that the petitioner has been implicated in the case with an oblique motive.

Be that as it may, but considering the fact that the petitioner is in custody since 25.05.2017 and the trial in the case will take long time, the petitioner is admitted on bail subject to his furnishing adequate bail/surety bonds to the satisfaction of the trial Court.

Accordingly, present petition is allowed.

However, the observations made hereinabove shall not be construed as an expression on the merits of the case and the trial court shall decide the case on the basis of available material.

(HARI PAL VERMA)
JUDGE

17.11.2017
sanjeev

Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No