

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

CRM-M No. 44225 of 2017

DATE OF DECISION :- December 20, 2017

Ganesh

...Petitioner

Versus

State of Punjab

...Respondent

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

Present:- Mr. Gaurav Rana, Advocate for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

This petition for regular bail has been filed by petitioner Ganesh, an accused in F.I.R. No. 129 dated 4.10.2016 for offences under Sections 395, 342 and 506 IPC registered with Police Station Dugri, Ludhiana.

The F.I.R. was got recorded by complainant Silona wife of Sh. Rajan Gupta, resident of Urban Estate, Dugri, Ludhiana, a house wife who had stated that Ganesh Kumar, the present petitioner had recommended the name of a person Chhotu @ Sanjay, aged about 17/18 years to be employed as servant in their house on 4.10.2016. While she was alone at house, however, Chhotu was also there, two persons came inside their home while the door had been opened by Chhotu. Those persons demanded money from her. When she refused to do so, one person caught hold of her and tied her hands from behind demanding keys by threatening her. They tried to gag

her. They called one person namely Raju. They broke open the Almirah. She managed to flee herself and informed her neighbours. Then the police was intimated. Subsequently she came to know that a pistol .32 bore, 8 cartridges, about 2000 Dollars besides house hold jewellery and Rs.95,000/- were missing.

Accused Ganesh Kumar was arrested by the police on 18.9.2017 and presently he is behind bars.

The challan has been filed and he is facing trial in the Court. The other three accused are absconding.

Petitioner Ganesh Kumar had approached the Court of Sessions for grant of regular bail but his such request was declined by Additional Sessions Judge, Ludhiana vide order dated 1.11.2017, as such he has approached this Court with similar request.

Notice of the petition for regular bail was given to the State. Learned State counsel has placed on file custody certificate of the petitioner showing that he has undergone 3 months and 1 day as an under trial in this case. He is not shown to be involved in any other case.

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

As per allegations in the F.I.R., the role attributed to the present petitioner is that he had recommended the name of Chhotu @ Sanjay for employment with the complainant and then said Chhotu @ Sanjay along with his accomplices had committed the crime. The direct involvement of Ganesh Kumar in the incident is not alleged. During the trial it can be found out whether he was part of conspiracy to commit the crime.

The trial is at preliminary stage and its conclusion is likely to take some time.

Without going into the merits of the case, present petition is allowed. The petitioner is ordered to be released on bail on furnishing bail bond and surety bond to the satisfaction of the learned trial Court/CJM/Duty Magistrate, Ludhiana subject to the following conditions : -

- (i) He shall appear in the Court on each and every date of hearing.
- (ii) He shall not give any threat or intimidation to the prosecution witnesses.
- (iii) He shall not leave India without prior permission of the Court.

In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

Since petitioner Ganesh Kumar is stated to be a native of Bihar, it is directed that while accepting the bonds two local sureties having immovable properties of sufficient amount be obtained and necessary conditions be imposed to ensure that he does not abscond.

(H.S. MADAAN)
JUDGE

December 20, 2017

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No