

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-45140 of 2017
Date of Decision: 04.12.2017

Sugraj @ Suggad

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Manish Soni, Advocate
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.358 dated 24.08.2017 under Sections 148, 149, 323, 341, 506 IPC, Sections 307, 325, 379-B and Section 120-B (added later on) and Section 25 Arms Act registered at Police Station Sohna, Gurugram District Gurugram.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the case. In fact, the complainant has improved his statement. The complainant had named the petitioner along with other persons as accused, which included Om

Pal resident of Vill. Phulwari, but the police has found Om Pal, Bhim Singh, Raghu Raj and Rakesh as innocent. As per the case of the prosecution, the complainant was just behind the injured on a separate motorcycle and therefore, an eyewitness. There is no allegation in the FIR that there was snatching of Rs.10,000/- from the pocket of the injured and the gold chain weighing 2 Tolas from the neck of the injured when beatings were being given to him. The petitioner is in custody since 20.09.2017 and no recovery is to be effected from him.

On the other hand, learned State counsel, on instructions from ASI Surjit Singh, submits that no doubt, the other co-accused namely Om Pal, Bhim Singh, Raghu Raj and Rakesh have been found innocent but now, Subhash, Amit, Sant Ram and Satish are accused in the case. However, since the co-accused are at large, the custody of the petitioner is required.

I have heard learned counsel for the parties.

There is no allegation in the FIR that there was snatching of Rs.10,000/- or gold chain from the injured. Even otherwise, initially, the FIR was registered under Section 307 IPC as well, however, during investigation, the said offence has been deleted. There is total diversion in the statements of the complainant Krishan and injured Mahabir. Therefore, without making any observation regarding their respective statements, but considering the fact that the petitioner he is in custody since 20.09.2017 and the trial in the case

will take long time, I deem it appropriate to release him on regular bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court.

Needless to say that the observations made hereinabove shall not be construed as any expression on the merits of the case.

December 04, 2017
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No