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

CRM-M No.5096 of 2017 (O&M)
Date of Decision: 28.04.2017

Udham Singh @ Kaka

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Mohinder Kumar, Advocate
for the petitioner.

Mr. Shilesh Gupta, Additional A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)
CRM-10027-2017

Prayer in this application is for adding offences under Sections 395, 398, 379-B IPC in the head note as well as in the prayer clause of the petition.

Notice of the application.

Mr. Shilesh Gupta, Additional A.G., Punjab accepts notice on behalf of State of Punjab.

Heard.

For the reasons mentioned in the application, the application is allowed and offences under Sections 395, 398, 379-B IPC are ordered to be added in the head note as well as in the prayer clause of the petition.

Main case

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.89 dated 18.06.2016, registered under Sections 395, 398, 379-B, 392, 323, 324, 148, 149 IPC at Police Station Gate Hakima, District Amritsar City.

The FIR was registered at the instance of Manish Arora who is doing wholesale business of cosmetic items at Katra Karam Singh Chowk. On 17.06.2016, at about 9.00 PM, when he was going to his house after closing the shop on his scooter, then at about 09.20 PM, 5-6 persons duly armed with datar and kirpan started beating him. One of the person gave a dang blow on his head and other persons also gave blows to him with their respective weapons. The complainant was injured. He raised alarm, thereafter, all the assailants snatched away his scooter with an amount of Rs.6 lac lying therein. The FIR in question came to be registered with these allegations.

During course of investigation, these persons were found to be involved in the aforesaid occurrence and one of them was declared as proclaimed offender.

Karan Thakur is the accused who inflicted a dang blow on the head of the complainant. Datar has been recovered from him along with Rs.23,000/- cash which was allegedly looted from the complainant. No recovery has been effected

from co-accused Kamaldeep Singh.

Recovery effected from the petitioner is of an amount of Rs.23,000/- allegedly looted from the scooter of the complainant. Bail was declined by treating him to be member of the gang as well as the person who did reki of the incident by providing clue about the movements of the complainant.

Abovesaid co-accused Karan Thakur and Kamaldeep Singh have already been granted bail by the trial Court.

Learned State counsel on instructions from ASI Kulbir Singh submitted that the petitioner is not involved in any other case. Only the statement of complainant has been recorded by way of recording his examination-in-chief.

In view of above, without forming any opinion on merits of the case, I deem it appropriate to enlarge the petitioner on regular bail subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

April 28, 2017

jyoti Y.

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No