

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

CRM-M-13390-2018

Date of decision:-28.5.2018

Taljinder Singh @ Shunty

...Petitioner

Versus

State of Haryana

...Respondent

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

Present: Mr.Namit Sharma, Advocate
for the petitioner.

Mr.Neeraj Poswal, AAG, Haryana.

H.S. MADAAN, J.

This petition for regular bail has been filed by petitioner – Taljinder Singh @ Shunty – an accused in FIR No.969 dated 17.9.2017, under Sections 379-B, 392 IPC, registered at Police Station City, Karnal.

Briefly stated, the facts of the case as per prosecution story are that on 14.9.2017 complainant Vaidanth Sharma, resident of Kota, Rajasthan along with his friend Anshu was going to Chandigarh from Delhi on a motorcycle; that at about 2:00 a.m. when the motorcycle reached over the fly-over of Grain market, Karnal, then a car bearing No.HR10W-4732 make Swift Desire came from behind and was brought to halt in front of the motorcycle; that two boys alighted from the car and started beating up the complainant and his friend Anshu and snatched their mobile phones and Rs.2,300/- and thereafter boarded the car and sped away. On the basis of written complaint submitted by complainant

Vaidanth Sharma on 17.9.2017, formal FIR in the matter was registered. Accused Taljinder Singh @ Shunty and Ballu @ Bobby were arrested in another case bearing FIR No.667 dated 22.6.2017, under Sections 379/473 IPC in which they confessed their involvement in the present case. Accused Ballu @ Bobby got recovered mobile phone from his possession in pursuance of the disclosure statement made by him. The present petitioner and his co-accused Ballu @ Bobby had filed applications for regular bail in the Court of Sessions, which were declined by learned Additional Sessions Judge, Karnal, as such, the petitioner has approached this Court with the same request.

Notice of the petition was given to respondent – State and counsel representing the State has put in appearance.

I have heard learned counsel for the parties besides going through the record.

Admittedly, the petitioner/accused is not named in the FIR and no recovery has been effected from. During the trial, the prosecution may be able to connect him with the incident but as the things stand, there appeared to be several material links missing to show that petitioner has participated in the incident. Though the challan has been filed against the accused but the trial is at its preliminary stage. Learned State counsel has submitted that the petitioner is involved in as many as 19 other cases but then due to that reason alone, he cannot be made to remain in custody unless sufficient material is available on record to show his involvement in the incident.

Without touching the merits of the case, the petition is

allowed. The petitioner be admitted to bail during the pendency of the trial, subject to his furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate, Karnal, 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 addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioner does not abscond and interfere in the trial.

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.

28.5.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No