

CRM-M No.18228 of 2018

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

CRM-M No.18228 of 2018

DATE OF DECISION:05.07.2018

Bal Ram

...Petitioner

Vs.

State of Haryana

..Respondent

CORAM:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Ashit Malik, Advocate
for the petitioner.

Mr. Ashish Sanghi, DAG, Haryana.

DAYA CHAUDHARY, J.(ORAL)

Through the present petition filed under Section 439 Cr. P.C., the petitioner seeks regular bail in case FIR No.12, dated 14.02.2017, registered under Sections 307/ 332/ 353/ 399 & 402 IPC & Section 25 of the Arms Act at Police Station Moohana, District Sonapat.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case whereas he was not involved in any manner. Petitioner is not having any criminal background as there is no other case pending against him. As per the prosecution version many police officials were present, still two of the accused managed to run away. It has not been mentioned in the FIR and even no information has been collected as to how the police party came to know that the petitioner was also the part of planning to apprehend accused persons. Petitioner has been implicated as one cousin of the petitioner has also been shown to be present at the time of alleged planning. The place of occurrence is a thickly

populated area but still no independent witness was joined by the police. Challan has been presented but no connecting evidence has been collected during investigation. As per allegations in the FIR, other accused were planning to commit robbery at some petrol pump and also to commit murder and they were armed with various weapons. None of the police official or any person from the petitioner side received any injury whereas as per allegations there were gun shot fire. Investigation has been completed. All witnesses are official witnesses. The petitioner is not having any criminal background. The planning is a matter of evidence but there was no communication for sitting together at a particular place for taking decision. Petitioner is ready to join the Court proceedings and to abide all terms and conditions to be imposed by this Court or by the trial Court.

Learned State counsel has opposed the submissions made by learned counsel for the petitioner and also to grant bail to the petitioner, in a serious offence and also on the ground that many cases are pending against him but he has not placed on record the details of the cases. Learned State counsel submits that recovery has also been effected from the petitioner and petitioner can be connected with the alleged offence.

Heard arguments of learned counsel for the petitioner as well as learned State counsel and have also perused the contents of the FIR and other documents on the file.

Keeping in view the fact that the petitioner is in custody since 14.02.2017 and all witnesses are official witnesses, the place of occurrence

is a thickly populated area, but no independent witness was joined neither at the time of recovery nor at the time of arrest of the petitioner. The FIR was registered on the basis of secret information. No other case is pending against the petitioner which shows that the petitioner is not having any criminal background whereas cases are pending against other accused. Even the place of planning is also disputed. It has been shown that the police party was planning at the residence of the petitioner but the place where the planning was made was far of from the house of the petitioner. No connecting evidence is with the Investigating Agency to show that earlier there was any communication between them. Whose murder was to be committed is also not mentioned in the FIR. Even it is not mentioned as to which of the petrol pump was to be looted. The allegations appear to be false but the same are matter of evidence and would be seen at the time of trial.

By considering the facts, circumstances and role of the petitioner, the petition is allowed. The petitioner is directed to be released on regular bail on furnishing bail/surety bonds to the satisfaction of the trial Court.

However, it is made clear that any observation made hereinabove shall not be construed as an expression of opinion on the merits of the case.

05.07.2018
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No