

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 20430 of 2018 (O&M)

Date of decision : 31.5.2018

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Sanspal @ Sansa

.....Petitioner

vs.

State of Haryana through
SHO Police Station Bapoli, Panipat

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

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

Mr. Neeraj Poswal, Assistant Advocate General,
Haryana.

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H. S. Madaan, J.

This petition for regular bail has been filed by Sanspal @ Sansa, an accused in FIR No. 154 dated 15.12.2017, for offences under sections 379-B, 120-B, 34 IPC and Section 25 of Arms Act, registered at Police Station Bapoli, District Panipat.

Briefly stated, facts of the case, as per the prosecution story are that complainant Sandeep s/o Jai Bhagwan Goswami, had submitted a written complaint to the police stating therein that he is running a cattle feed shop in front of gate of Bapoli Grain Market;

that on 15.12.2017, at about 6.30 P.M. when he was returning home on his motorcycle after closing the shop, he was having Rs.55,000/- with him. When he reached near Bapoli Majra on Bapoli-Bhalore road, two young boys came on a motorcycle from Bapoli side and gave a knife blow on his foot. Thereafter they pushed the motorcycle of the complainant and started beating him up and then snatched Rs.55,000/- from him. The complainant managed to catch hold of one of the assailants, then the other boy exhorted him to kill the complainant, as such the complainant ran away from the spot to save his life. In his statement to the police, he stated that he could recognize the assailants, if brought before him.

Formal FIR was recorded. The investigation in the case started, during the course of which accused were arrested. They suffered disclosure statements. Sanjay @ Bhoora got recovered Rs.8,500/- with knife, whereas Shankar got recovered Rs.7,500/- from his possession. Accused Sunny made a disclosure statement and got recovered Rs.7,000/- from his possession. After completion of investigation challan against the accused was prepared and filed in the Court.

Accused Sanspal @ Sansa had moved an application for grant of regular bail, but the same was dismissed by Additional Sessions Judge, Panipat, vide order dated 2.5.2018, as such he has approached this Court for grant of similar relief.

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

Admittedly, the petitioner is not named in the FIR. As per

disclosure statement suffered by Sanjay @ Bhoora, before the police, the crime was committed by Sanjay @ Bhoora and his friend Shankar s/o Madan Lal. That means, the present petitioner had not participated in the incident directly. Though from the statement of Sanjay @ Bhoora, it comes out that the crime was committed on the instructions of Sanspal @ Sansa, present petitioner, but then as per statement of Sanjay @ Bhoora, even no share in the booty had been given to him. No recovery has since been effected from the petitioner. Except disclosure statements of co-accused, there does not appear to be any other evidence to link the petitioner with the incident though the fact whether he had planned the incident and got it executed from his co-accused or that he was part of the conspiracy of the incident, would come during the trial. But as the things stand, he is behind the bars for the last 4 months and 22 days, the conclusion of trial is likely to take considerable time. Thus, I find that it would be proper and appropriate, if the petition for grant of regular bail filed by the petitioner – Sanspa @ Sansa is accepted.

Therefore, the petition is allowed and the petitioner is directed to be released on bail on furnishing of surety bonds and personal bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Panipat, subject to the following conditions:-

- i) that the petitioner shall appear in the Court on each and every date of hearing;
- ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from

disclosing such facts to the Court or to any police officer;
and

iii)that the petitioner shall not leave India without the prior permission of the Court and shall surrender his passport, if he has got one, otherwise to furnish affidavit in that regard.

In addition to this 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, this order shall be liable to be withdrawn.

31.5.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No