

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

CRM-M No. 44127 of 2017

DATE OF DECISION :- February 05, 2018

Kashmir alias Meeru

...Petitioner

Versus

State of Haryana

...Respondent

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

Present:- Ms. Neelam Mor, Advocate for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana

This petition for regular bail has been filed by petitioner Kashmir alias Meeru, an accused in F.I.R. No.112 dated 30.7.2016 for offences under Sections 395 IPC and Section 25 of the Arms Act registered with Police Station Behal, District Bhiwani.

Briefly stated the facts of the case as per prosecution story are that on 29.7.2016 at about 9.15 P.M., complainant Jai Kumar son of Sh. Shish Ram, resident of Village Thilod, District Bhiwani was riding his motor cycle bearing registration No. HR19D-3710 make Hero Honda black colour going to his in-laws house at village Kari Aadu from village Thilod. When he reached near village Bardu, then one Car, white in colour overtook his motor cycle and was stopped in front thereof. Thereafter 2-3 persons alighted from the Car. One of them gave slaps to the complainant, whereas two other boys having stick in their hands and 2-3 boys were sitting in the Car. Those boys by showing knife to the complainant forcibly made him sit in the Car whereas one of them took away his motor cycle towards

Obara side. On reaching near village Hassan they dropped the complainant from the car and tied him with a tree, threatened him and snatched Rs.1100/- and a mobile phone and then sped away in the Car towards village Roda.

Complainant informed the police and on the basis of which formal F.I.R. was registered. Accused was arrested in this case on 2.4.2017.

After completion of investigation and other formalities, challan against the accused was filed and he is facing trial in the Court of Sessions Judge, Bhiwani. He had moved an application for regular bail which was dismissed by Learned Sessions Judge, Bhiwani, as such he has approached this Court praying for grant of similar relief. However his request is being opposed by learned State counsel.

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

Admittedly, the petitioner is not named in the F.I.R. and no specific role is attributed to him. As per custody certificate filed, he is not shown to be involved in any other criminal case. The trial is stated to be pending. Five witnesses are said to have been examined and as per copy of statement placed on record the complainant has not supported the prosecution story.

The conclusion of trial is likely to take some time. Without going into the merits of the case, I find that it would be in fitness of things if the present petition is allowed. Accordingly, the petition is accepted and petitioner is ordered to be released on bail on furnishing the bail bond and surety bond to the satisfaction of the learned trial Court/CJM/Duty Magistrate, Bhiwani 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 order shall be liable to be withdrawn.

(H.S. MADAAN)
JUDGE

February 05, 2018

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No