

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

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CRM-M-12244-2019 (O & M)
Date of Decision:25.03.2019

Hari Chand @ Hari

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Kunal Dawar, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

MANOJ BAJAJ, J.(ORAL)

Petitioner-Hari Chand @ Hari has filed this petition seeking regular bail in case FIR No.493 dated 01.07.2016, under Sections 302, 201, 394, 412 and 34 of the Indian Penal Code ('IPC' – for short), registered at Police Station Sector-58, District Faridabad.

On the statement of Sohrab, the FIR was registered with the allegations that the complainant was engaged in business of giving tractor on rent. Likewise complainant, Omi son of Ram Hans and Ishak are also having their tractors. He gave his tractor on rent. On 28.06.2016, two young boys had come to tractor stand for hiring the tractor for transporting household articles from Sector 59 to village Sarurpur. They had settled their deal with Ishak and both the boys sat on the tractor and went towards Ballabhgarh. Ishak did not return back till night and a search was made and police found a dead body lying in the bushes, which was of Ishak.

According to the prosecution, the boys, who had hired the tractor, killed the driver of the tractor namely Ishak. After investigation, Suraj, Dheeraj, Ravinder and Rohtash were arrested. The petitioner and another co-

accused namely Fateh were indicted as an accused for the offence punishable under Section 412 IPC i.e. for receiving the stolen/looted property.

Learned counsel for the petitioner has contended that the only role attributed to the petitioner is that he was having possession of trolley attached with the said hired tractor whereas the tractor was found in possession of co-accused Fateh. It is pointed out that trial in respect of the four main accused has already ended in conviction of two namely Ravinder and Rohtash, whereas two other persons Suraj and Dheeraj stood acquitted vide judgment dated 18.09.2018. It is further contended that co-accused namely Fateh already stands convicted for the offence punishable under Section 411 IPC and sentenced for two years.

On the other hand, learned State counsel on instructions from ASI Mailsood Khan pointed out that the petitioner stood declared proclaimed offender on 23.02.2018. However, the other facts regarding conviction and acquittal of the main accused is not disputed. It is further pointed out that the charges have been framed, however, no witness has been examined so far.

Considering the nature of the offence for which the petitioner stands charged, further custody of the petitioner is not be justifiable, therefore, without meaning any expression of opinion on the merits of the case, petitioner is ordered to be released on bail subject to his furnishing bail bonds and surety bonds, to the satisfaction of Trial Court/Duty Magistrate, Faridabad.

The petition is allowed.

25.03.2019
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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No