

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

**CRM-M-32687-2019
Date of decision: 18.12.2019**

Ravi

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. K. L. Saini, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 177 dated 01.11.2018, registered under Sections 395 and 201 of the IPC at Police Station Garhi, District Jind.

Learned counsel for the petitioner, at the very outset, relies upon order dated 26.08.2019 passed in CRM-M-29761-2019, vide which co-accused Gagandeep has been granted concession of regular bail by this Court. The operative part of the order reads as under:

“Counsel for the petitioner submits that as per the allegations in the FIR registered at the instance of Gurmeet Singh, who was working as an agent in M/s Bharat Financial Inclusion Company and his company was providing loan to women after forming their groups and take money back in installments. On 1.11.2018 he had gone for collecting installments and was having approximately Rs.1,00,000/- cash. When he had gone to the house of Asha, he had a verbal altercation with her

husband and husband's brother and they refused to pay the installements. Thereafter, her husband Sinder and her brother-in-law Satnam abused and threatened him. When he had gone back, nine persons, whose faces were muffled, on three motorcycles stopped him and snatched his bag in which he was carrying the money. Counsel for the petitioner submits that the petitioner is in custody for the last 08 months and 14 days and the statement of the complainant already stands recorded on 13.3.2019, in which he has identified the accused persons namely, Ramesh, Rohit and Rahul and the petitioner was not identified by the complainant as one of the assailants. Learned State counsel on instructions from ASI Ashok Kumar has not disputed the factual position on the basis of statement of PW1-complainant. Learned State counsel further submits that out of the 10 prosecution witnesses, only two have been examined so far. Without commenting anything on merits of the case, considering the fact that the petitioner was not identified by the complainant in the Court; he is in custody for the last more than 08 months and the conclusion of the trial will take some time, this petition is allowed and the petitioner is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned. However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner."

Learned counsel for the petitioner submits that as per the statement of PW-1/complainant Gurmeet Singh, the petitioner was not identified as one of the assailants.

Learned counsel for the petitioner further submits that

petitioner is in judicial custody for the last more than one year and he is not involved in any other case.

Learned State counsel, on instructions from ASI Rajesh Kumar, has not disputed the factual position but opposed the prayer of the petitioner.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is in judicial custody for the last more than one year; he is not involved in any other case; co-accused has already been granted concession of regular bail as noticed above and also in view of the fact that it will take some time in conclusion of trial, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety to the satisfaction of the trial Court/Duty Magistrate concerned.

18.12.2019

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No