

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

**CRM-M No. 41184 of 2019
Date of Decision:-05.11.2019**

Sumit Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. R.N. Lohan, Advocate
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ J.(Oral)

Petitioner-Sumit Kumar has filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No. 101 dated 04.7.2019, under Sections 398, 401 IPC and Section 25 of Arms Act, registered at Police Station Garhi, District Jind. The petitioner is in custody since his arrest on 04.7.2019.

As per prosecution version, on 04.7.2019 a secret information was received that 4-5 persons were planning to rob the vehicles and upon raid, those persons can be apprehended with weapons. On the basis of this secret information, police party reached near the place disclosed by the secret informer and saw one boy with battery (torch) in his hand, who was

stopping the vehicles. Also 3-4 boys were seen by ASI in a vehicle and they stopped the vehicle suddenly in front of the government vehicle of the police. ASI Narender Kumar also got the vehicle stopped abruptly and three young boys came to the driver seat and aimed a pistol towards the driver and asked to give everything, otherwise he threatened to kill. On this EASI Gajan Singh opened the door with force and it hit the boy holding the pistol, who fell down and was immediately caught by ASI Narender Kumar. He asked the other police officials that other accused should not escape. The accused, who was caught by ASI Narender, disclosed his name as Ajay @ Sittu. A countrymade gun and .12 bore cartridges, one round of .12 bore were taken out from the countrymade gun. On personal search of accused Ajay, one live cartridge .12 bore was found from his right side pocket of his trouser. Accused Arun, who was driver of the car was also caught with a knife, which was taken into police possession. Accused Sumit Kumar (petitioner) was also apprehended alongwith a knife. Accused Raj Kumar @ Kaliya was also caught alongwith a danda/bindu. Accused Abhinash @ Koklu was arrested, who was holding a battery in his hand.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. According to him, the investigation of the case is complete and the charges have already been framed by the trial Court on 31.10.2019. He further submits that further detention of the petitioner may not be necessary as the trial is likely to take some time.

On the other hand, learned State counsel, who is assisted by

ASI Suresh Kumar opposed the prayer on the ground that petitioner is involved in two more cases i.e. FIR No.383 dated 03.7.2019, under Sections 454 and 380 IPC, registered at Police Station Jind and FIR No.97 dated 26.6.2019, under Section 395 IPC, registered at Police Station Garhi, District Jind. However, it is not disputed that after framing of the charges on 31.10.2019, the case is now fixed for recording of prosecution evidence.

After hearing learned counsel for the parties, this Court finds that the trial of the case is likely to consume considerable time and keeping in view the custodial period of the petitioner, his further custody may not be justified. Therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court, Jind.

The petition is allowed.

November 05, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No