

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

219

CRM-M-9600-2020 (O&M)

Date of Decision: 11.08.2020

AMIT

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Aditya Sanghi, Advocate,
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana

ANIL KSHETARPAL, J (Oral)

Hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

The petitioner prays for grant of bail pending trial in a criminal case arising from FIR No. 190, dated 22.04.2018, registered Under Sections 341/379B/395/397/307/506/427 OF IPC and Section 25 of Arms Act 54 of 1959, at Police Station Mahendergarh, District Mahendergarh, Haryana.

In brief, the case of the prosecution has been notice by the learned Additional Sessions Judge, in paragraph 2 of the impugned order, which is extracted as under:-

“In brief, FIR of the present case was lodged on the complaint of complainant Gajanand son of Ramswaroop, on the allegations that he is resident of village Nangal Mala and is running two shops, one of ready-made garments and other of clothes in Mohindergarh complex. In the said shops, he, his elder brother Khushiram and his nephew Jayanti son of Khushiram carry on business. That day he alongwith his brother, his nephew, son of his brother in law Pushpender, Sunil was going to his village in a vehicle bearing no. HR-34/5009 make model bolero. The said vehicle was being driven by his nephew Jayanti and complainant was sitting beside the driver. Remaining all were sitting on the back seats. When they reached one and half k.m. ahead of village Kurahwata near the fields

of Babu Lal, two motorcycles were seen parked and five boys were standing over here. When they crossed them, the motorcycles started chasing them. When they reached near 200 meters before electricity power plant, one of the motorcycle drivers opened fire on their vehicle. His nephew sustained bullet injury and then they parked the motorcycle in front of their vehicle and three boys opened fire on their vehicle. They came out of their vehicle. The assailants asked them to handover all their belongings to them. They (complainant party) asked them as to why they were being beaten up by them (assailants). On this one of the boys opened fire on his brother Khushiram and another boy opened fire on Raj Kumar. They snatched away all their cash and mobiles. He was having Rs.32000/- with him and the said amount was also snatched by them. Thereafter, all the five boys who were aged 25-26 years fled away on their motorcycles while extending threat to them. Thereafter, they came to GH, Mohindergarh, where the medical officer referred them to higher centre. He suspected that the said incident was carried out by Bijender son of Rohtash, Pardeep and Sunil sons of Dayaram, r/o village Nangal Mala in collusion with others. Action against the wrongdoers were prayed for. On this complaint, formal FIR of the case was recorded. Matter was investigated. Site plan was prepared, Statement of witnesses were recorded. Accused were arrested. Accused were arrested. Investigation has been completed and challan has already been filed.”

Learned counsel for the petitioner contends that the petitioner has been nominated as an accused on the disclosure statement of Sombir @ Lalla, who has been granted bail on 28.08.2019 in CRM-M-33944-2019. He further contends that as per the case of the prosecution, a sum of Rs.1300/- has been recovered from the petitioner. He further relies upon an order passed in CRM-M-51012 of 2019 (Monu @ Pinder vs. State of Haryana), dated 24.01.2020, granting bail to another co-accused.

Learned State counsel is unable to dispute the aforesaid factual position.

In view of the aforesaid facts, the petitioner is also directed to be released on bail subject to furnishing of adequate surety to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, concerned.

Accordingly, the petition is allowed with the aforesaid directions.

(ANIL KSHETARPL)
JUDGE

August 11, 2020
“nt”

Whether speaking/reasoned :Yes/No
Whether reportable : Yes/No