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

**CRM-M-10312-2020 (O&M)
Date of decision : 09.07.2020**

Mandeep

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. S.K. Verma, Advocate
for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

This is a petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.192 dated 09.06.2019 under Sections 365, 394 & 397 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959, registered at Police Station Narnaund, District Hansi.

The allegations in the FIR are that four persons, namely, Prince, Vivek @ Vicky, Mandeep and Tushar had hired a vehicle from the complainant who was working as a Driver and plying the vehicle as an Ola Cab. The vehicle was taken from Delhi to Rohtak and thereafter to Jind. The vehicle was taken to a distance of about 15/20 kilometers from Jind to a rural area where the occupants of the vehicle alighted and were in an

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inebriate condition. They again requested the complainant to proceed a little ahead and got into the vehicle. After travelling for some distance, the vehicle was again stopped by them on the pretext of answering the call of nature. One of the occupants gave pistol butt blow on the head and the other occupant caused injury on the left arm and left hip, with knife, to the complainant. They are also alleged to have snatched the cash amounting to ₹14,800/-, mobile phone, hired vehicle and GPS attached phone. The complainant was put in the *dicky* of the car and after covering a distance of about 4/5 kilometers, the complainant was tied with a tree. An alarm was raised and passers-by came to the aid of the complainant.

It has been contended by learned counsel for the petitioner that the accused was not named in the FIR and name of the petitioner was nominated by the co-accused in his disclosure statement. It has further been contended that all the other co-accused have been granted bail including Vivek from whom two pistols have been recovered.

Per contra, Ms. Mahima Yashpal, DAG, Haryana, has stated that this is not a fit case for grant of regular bail inasmuch as the main injury has been attributed to the petitioner.

In the instant case, the petitioner's name has been nominated in the disclosure statement made by the co-accused. The factual position is also that all the co-accused in the matter had been granted bail either by this Court or by the Trial Court. The petitioner has been in custody since 16.06.2019.

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In view of the above and without expressing any opinion on the merits of the case and considering the facts that the petitioner remained in custody since 16.06.2019 and the conclusion of the trial would take some time, I deem it to be a fit case for grant of bail. The petition is hence, allowed. The petitioner shall be released on bail on furnishing bail and surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

It would, however, be open for the prosecution to apply for cancellation of bail in case the petitioner is found misusing the concession of the bail.

09.07.2020
Yogesh Sharma

(ALKA SARIN)
JUDGE

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**