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

CRM-M No. 12593 of 2020

Date of Decision: 02.06.2020

Bhoop Ram

-Petitioner

Vs

State of Haryana

-Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Sandeep Siwach, Advocate,
for the petitioner.

Mr. Anant Kataria, D.A.G., Haryana.

RAJ MOHAN SINGH, J. (Oral)

Petitioner seeks regular bail in case bearing FIR
No.478 dated 19.06.2019 registered under Sections 379, 379-A,
307, 34 IPC and under Section 25 of Arms Act at Police Station
Palwal, District Palwal.

Prosecution story started with the allegations that
complainant- Jaswant Singh is a driver of a truck. He along with
one Raja were going by taking their truck from Maharashtra to

Gurgaon and they were going from KMP road. When they reached just ahead of village Maheshpur, they stopped the truck for the purposes of urinating. In the meanwhile, three young boys came on a motorcycle without number and on coming to the spot, put a pistol on the temple of the complainant and snatched Rs.8000/- along with mobile phone and sim and thereafter, they went away. In the meanwhile, police vehicle came to be passed from there. Complainant got the vehicle stopped and narrated the incident. Police party made them to sit in the vehicle and followed the accused persons. On finding them to be gherowed, the accused opened fire on the police party two times and the police party was narrowly escaped. The accused ran away from there by taking scooty which was parked outside one farm house in village Mandori. The complainant followed them, but accused persons could not be traced.

Learned counsel for the petitioner submitted that the petitioner was not arrested from the spot nor his description has been given. There is no registration number of motorcycle.

It is highly unbelievable that three persons firstly came on a motorcycle and thereafter, ran away from the spot after snatching the amount and the mobile and on being followed, one of them opened fire and by running from there, they preferred to opt for a scooty parked outside a farm house. The alleged fire on the police party without causing any injury to anyone would be debatable in the context of an offence under Section 307 IPC. The alleged firing was opened by co-accused Janak Singh and not by the petitioner.

Petitioner is in custody since 20.06.2019. Challan has been presented. Charges have been framed. Out of 21 prosecution witnesses, none has been examined so far.

Per contra, learned State counsel on instructions submitted that there is no other case against the petitioner under Section 379-A IPC, though independent FIR under Section 25 of the Arms Act has been recorded on 19.06.2019.

Status of investigation and pending trial are admitted by learned State counsel.

Taking into consideration the totality of facts and circumstances of the case, I deem it appropriate to enlarge the petitioner on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove shall be construed to be an opinion on merits of the case.

June 02, 2020

Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No