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

CRM-M No. 12590 of 2020

Date of Decision: 02.06.2020

Munesh Lamba

-Petitioner

Vs

State of Haryana

-Respondent

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

Present: Mr. Vivek Sheoran, 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.106 dated 14.07.2017 registered under Sections 148, 149, 323, 341 IPC (offence under Sections 307 and 325 IPC added later on) at Police Station Tigaon, District Faridabad.

Case of the prosecution is that on 12.07.2017, complainant along with his cousin was riding a scooty. At about 8.30 PM, two persons with muffled faces came from behind on a

different scooty and by coming to the side of scooty of the complainant, person sitting at the back kicked the complainant scooty, resulting in falling down of the scooty of the complainant. Cousin of the complainant ran away from there. Thereafter, the assailants took the complainant to the road side of Desh Raj farm and asked for money. During this scuffle, cover face of one of the assailant was removed and the complainant identified that person as Kuldeep Tyagi. The assailants snatched gold chain and Rs.2200/- from the complainant. Thereafter, 5-6 friends of Kuldeep Tyagi came there duly armed with iron rods in a car and two motorcycles and started giving beatings to the complainant. Complainant identified Nikhil, Shubham, Sham and Sachin amongst those persons. Hands, legs and back of the complainant got severe injuries in the attack. The assailants by thinking the complainant to be dead, left him at the spot and then fled away.

Learned counsel for the petitioner submitted that the petitioner was not named in the FIR. Name of the petitioner

appeared only in the supplementary statement of the complainant- Deepak which was recorded on 05.10.2017 i.e. about 81 days of lodging of FIR. Even as per the supplementary statement of the complainant, only the presence of petitioner along with others was shown without attributing any overt act to him in the context of inflicting injuries upon the person of the complainant. The complainant has tried to dilute the rigor of offence qua the main accused in the supplementary statement, but the trial Court ultimately convicted the co-accused Kuldeep, Abhishek and Nikhil and sentenced them heavily. Petitioner was once declared to be proclaimed person/offender vide order dated 22.05.2018. The petitioner filed CRM-M No.24198 of 2018 which was allowed vide order dated 01.07.2019. Order dated 22.05.2018 was set aside. Petitioner was directed to appear before the trial Court within 15 days and apply for bail. In the event of doing so, the bail was to be decided within two days. Petitioner could not surrender before the trial Court owing to his circumstances, but ultimately he was arrested on 22.10.2019.

Co-accused namely Sachin was also declared proclaimed person/offender on 16.03.2018, but he was granted bail by the High Court on 31.05.2018 in CRM-M No.13970 of 2018. Sachin is also facing trial before the trial Court.

Since the petitioner was not named in the FIR, his complicity came to be recorded only on account of a supplementary statement which was made by the complainant after 81 days of lodging of FIR. The complicity of the petitioner even on the strength of supplementary statement would be debatable. Trial qua co-accused namely Sachin is also pending.

Petitioner is in custody since 22.10.2019.

Learned State counsel on instructions states that challan has already been presented and charges have already been framed, but no prosecution witness has been examined so far.

In view of facts and circumstances of the case, I am prima-facie of the view that the trial of the case may take some time in its culmination.

In view of above, 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