

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(205)

CRM No. M-17238 of 2020
Date of Decision : 20.07.2020

Ricky

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Sanjeev Bishnoi, Advocate for the petitioner.

Mr. Vishal Malik, Deputy Advocate General, Haryana
(keeping in view the advance copy given)

Harsimran Singh Sethi, J. (Oral)

The petition has been taken for hearing through video conference due to Covid-19 pandemic.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in FIR No. 143 dated 31.10.2019, under Sections 379-B, 392, 397 IPC and Section 25/54/59 of Arms Act, 1959, registered at Police Station Mohana, District Sonapat.

Learned counsel for the petitioner argues that petitioner was not named in the FIR and the allegations as per the FIR is that four persons had stopped the complainant while he was on his way and they threatened him with a country made pistol and snatched ₹1840/- from him. Learned counsel further argues that charges have only been framed under Sections 379-B IPC read with Section 34 IPC as the State had fairly conceded before the trial Court that no offence under Sections 392, 397 IPC and Section 25/54/59 of the Arms Act, 1959 is made out against the petitioner.

Learned counsel for the petitioner further argues that once the

charges have been framed and nothing is to be recovered and especially keeping in view the fact that the petitioner was not named in the FIR and the disclosure statement due to which petitioner has been roped in the present FIR, is yet to be proved before the Competent Court of Law during the trial, hence, petitioner be granted the benefit of bail during the pendency of the trial.

Notice of motion.

Mr. Vishal Malik, learned Deputy Advocate General, Haryana, who has also joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of respondent-State. Learned State counsel concedes that charges have been framed against the petitioner only under Section 379-B IPC read with Section 34 IPC and further, nothing is to be recovered from the petitioner now.

I have heard learned counsel for the parties and have gone through the record very carefully.

It is not disputed that the petitioner was not named in the FIR and has only been roped in the FIR in view of the disclosure statement. The said disclosure statement is yet to be proved before the Competent Court of law. Further, charges have been framed only under Section 379-B IPC read with Section 34 IPC and nothing is to be recovered from the petitioner and as the trial is likely to take some time, no useful purpose will be achieved by keeping the petitioner behind the bars, hence, petitioner has made out a case for the grant of regular bail keeping in view the facts noticed above.

Without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of

trial Court/Duty Magistrate concerned.

Learned counsel for the petitioner undertakes that petitioner will not obstruct the trial in any manner or influence the witnesses, whose statement is yet to be recorded and in case of default of the above undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

July 20, 2020
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes

Whether reportable? No