

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

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**CRM-M-31590-2020(O&M)
Date of Order:13.10.2020**

Sandeep

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Raman Chawla, Advocate,
for the petitioner.

Mr. Arun Beniwal, DAG, Haryana

ANIL KSHETARPAL, J(Oral)

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

The petitioner-Sandeep son of Gulshan prays for grant of bail pending trial in a criminal case arising from FIR No.208, dated 11.07.2020, registered under Section 379B/506/341/427/120-B IPC, at Police Station Siwani, District Bhiwani.

In a nutshell, the case of the prosecution has been noticed by learned Sessions Judge, Bhiwani, in its order dated 09.09.2020, which is extracted as under:-

“2- The allegations as contained in the said FIR against the petitioner and his three other co-accused are that on 10.07.2020, at about 9.00 P.M., in the area of the said police station, they first of all obstructed the complainant Ravinder Kumar and his friend Narender who were on their private motorcycle while armed with rods and sticks (dandas) and thereafter assaulted the complainant and his friend with the said weapons because of which the complainant and his friend fell on the road and thereafter the petitioner and three others snatched Rs.48,500/- from the pocket of the complainant Ravinder Kumar; that the Gas Agency owner of the complainant was coming from behind and on seeing the said occurrence, he stopped his

vehicle because of which the petitioner and three others, after causing injuries to the complainant and another and snatching the above stated amount of Rs.48,500/- fled away from the spot but while leaving threatened that if any complaint is made, the complainant and his friend shall be killed; that the complainant identified one of the assailants as the co-accused Vijay son of Satyawar who was working with him in the Gas Agency and had left the said agency 10 days prior to the said occurrence and the second one as Shakti son of Bablu who was known to the complainant since earlier. The co-accused Vijay is stated to have been arrested by the police on 11.07.2020 itself and an iron rod allegedly used in commission of the offences in question is stated to have been recovered from him. The co-accused Rajender alias Radhey, Sandeep and Shakti are also stated to have been arrested by the police on 11.07.2020 itself. A motorcycle of black colour with its RC and a Danda is stated to have been recovered from the co-accused Rajender alias Radhey. An iron rod is stated to have been recovered from the co-accused Shakti son of Bablu. Furthermore, Rs.9500/- are stated to have been recovered from the co-accused Vijay son of Satyawar, Rs.8,000/- from the co-accused Rajender alias Radhey, Rs.8,000/- from the co-accused Shakti and Rs.12,000/- are stated to have been recovered from the coaccused Sandeep. The petitioner is stated to have been arrested in the FIR in question on 15.07.2020 on the basis of disclosure statement made by his co-accused Vijay and Rs.7500/- are stated to have been recovered from him. Since the day of his arrest, the petitioner is stated to be in custody. Feeling aggrieved of his detention, he is for bail.”

Learned counsel for the petitioner contends that the petitioner was not present at the time of occurrence. He further contends that the first informant and the other person have given affidavits to the effect that the petitioner was not involved in the incident. He relies upon Annexure- P/2, P/3 and P/4, the affidavits, as well as the deed of settlement, respectively.

On the other hand, Sh. Arun Beniwal, Deputy Advocate General, Haryana, has submitted that no doubt the petitioner was not present, however he had provided the motorcycle involved in the incident to the accused.

Sh. Sushil K. Sharma, Advocate, appearing on behalf of the first informant, admits the correctness of the affidavits and the deed of settlement.

The conclusion of the trial is likely to take time.

Keeping in view the aforesaid facts and without commenting on the merits of the case, it is considered appropriate to direct the release of the petitioner on regular bail subject to furnishing of adequate surety to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, concerned.

Accordingly, the present petition is allowed with the aforesaid directions.

October 13, 2020
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(ANIL KSHETARPAL)
JUDGE

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