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

**CRM-M No.34669 of 2020(O&M)
Date of Decision: 19.11.2020**

Anil Pandit @ KakuPetitioner
Vs
State of HaryanaRespondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. S.S. Bairagi, Advocate
for the petitioner.

Mr. Rajat Gautam, DAG, Haryana.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.1156 dated 15.11.2019 registered under Sections 395, 397, 365, 379-B, 412 IPC and Section 25 of the Arms Act at Police Station Sadar Karnal, District Karnal.

The allegations are that when trolley attached with tractor of the complainant was passing through Ramba Chowk near Police Station Sadar Karnal, the same was way-laid by two vehicles in which six accused persons were present. They snatched the tractor with loaded trolley on gun point and gave

beatings to the complainant. They also snatched an amount of Rs.4000/- from the complainant. On the way, they threw away the complainant. During investigation, the police arrested Sachin @ Ford, Dheeraj, Gobind and recovered the tractor trolley loaded with 283 bags of paddy. Offence under Section 412 IPC was added. On 21.12.2019, another accused Jai Parkash was arrested who got recovered the car used in the crime from the premises of co-accused.

Petitioner was arrested on 25.02.2020 and supplementary challan was filed against him. Co-accused Vicky and Khanna have not been arrested, but challan has been filed.

Learned counsel for the petitioner submitted that the petitioner was nominated on the basis of disclosure statements of Dheeraj and others. All the recoveries have been effected from the premises of co-accused. Charges have not been framed so far. No recovery has been effected from the petitioner. Except the petitioner being member of the alleged accused party, there is no incriminating material to connect the petitioner with the aforesaid crime.

Per contra, learned State counsel submitted that the petitioner has participated in the commission of crime and he was arrested on the basis of disclosure statements of co-accused.

Co-accused Gobind has been granted regular bail as his complicity was alleged to be under Section 212 IPC only. Recovery of Brezza car owned by Dheeraj and the alleged role attributed to the petitioner viz-a-viz the involvement of brezza car would remain debatable.

Keeping in view the custody of the petitioner since 25.02.2020, stage of the trial, where charges have not been framed so far, recovery of the tractor trolley loaded with paddy from the co-accused and the situation arising out due to COVID-19 pandemic at this stage and without adverting to the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released 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 expression of any opinion on merits of the case.

(RAJ MOHAN SINGH)
JUDGE

19.11.2020

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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No