

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-52258-2019

Date of Decision: 09.01.2020

Sher Mohd. @ Sheru

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Saleem Ahmed, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

...

Manoj Bajaj, J.

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.06 dated 11.01.2007, under Section 392 IPC, 1860 (Section 420 IPC added later on), registered at Police Station Tauru. He is in custody since his arrest on 04.09.2019.

The FIR in the present case was registered on the statement of complainant Birbal, wherein it was stated that on 10.01.2007, he along with his nephew Sunda Ram after unloading the truck, bearing registration No.RJ-19GA-9127 at Faridabad was going towards Bhiwadi, Rajasthan. At about 9:15 pm, when the complainant reached near Tauru bye-pass petrol pump, a Tata 407 of green colour came from the behind and blocked the way of complainant's truck and many persons alighted from Tata 407 and out of them, 2-3 persons broke the glass of complainant's vehicle, who entered into the truck and overpowered them and took them in their Tata 407. The truck of the complainant was driven by one of them was taken towards Bhiwadi side and other accused took the complainant, his nephew

and threw them after tying their legs and hands in the hills of Chahalka Road and thereafter, all the accused fled away along with the vehicle.

Learned counsel for the petitioner contends that the petitioner is not named in the FIR and his name was disclosed by co-accused, who have been acquitted by the trial Court and the present petitioner is in custody since his arrest on 04.09.2019. He states that the petitioner was not aware of this case and, therefore, he was declared as proclaimed offender. According to him, the petitioner deserves the concession of regular bail as the trial is likely to take some time.

The prayer is opposed by learned State counsel assisted by ASI Bhagwan Singh on the ground that the petitioner is accused in four more cases. She submits that the petitioner was declared as proclaimed offender in 2012 in the present case and in case FIR No.457 dated 04.09.2019, under Section 174-A IPC, registered at Police Station Tauru, also he was declared proclaimed offender.

Considering the above background of the case and conduct of the petitioner, no case is made out for grant of regular bail to the petitioner, at this stage.

Consequently, the petition is dismissed.

09.01.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No