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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-52466-2019
Date of decision-12.02.2020

Jitender @ Banga

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. J.P.Dhull, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

MANOJ BAJAJ, J.

Petitioner-Jitender @ Banga has prayed for grant of regular bail under Section 439 Cr.P.C in case FIR No.124 dated 29.05.2019 registered under Sections 394 and 452 of Indian Penal Code, 1860 at Police Station Sadar, Hansi, District Hisar. The petitioner is in custody since his arrest on 27.07.2019.

The FIR was registered in the present case on the application moved by complainant, namely, Anoop son of Surajmal, wherein it was alleged that on 29.05.2019, when complainant was working at his shop, then four boys who were having muffled faces, forcibly entered in his shop. They all gave beatings to the complainant with iron rod and dandas and looted Rs.20,000/- from his pocket. Thereafter, when they tried to run away, his

neighbour Monu, who was present outside the complainant's shop, intervened between, then face of one boy who looted the amount, was recognized as Jitender @ Banga (petitioner). Thereafter, all the accused persons ran away on their motorcycles. On these broad allegations, FIR was registered.

In compliance of the order dated 17.01.2020, learned counsel for the petitioner has produced the zimni orders passed by the trial Court to contend that after filing of the final report on 10.10.2019, charges have been framed on 28.01.2020. He further submits that the petitioner and complainant are neighbours and they have arrived at a compromise. According to him, the offences are triable by Magistrate and investigation of the case is complete, therefore, further custody of the petitioner may not be necessary.

On the contrary, learned State counsel assisted by ASI Om Parkash opposed the prayer, however, it is not disputed that the investigation of the case is complete. It is pointed out that out of total 12 prosecution witnesses none has been examined so far.

Considering the above background and the fact that the offences are triable by Magistrate and trial of the case is likely to consume considerable time, this Court is of the opinion that further detention of the petitioner may not be justified, particularly when the investigation of case is complete. Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction

of the trial Court concerned.

The petition is allowed.

12.02.2020

vanita

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No