

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

CRM-M-3726-2021 (O&M)

Date of decision: 30.06.2021

Rajesh @ Kesaria

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. S.K. Tripathi, Advocate for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

This petition for regular bail has been filed by petitioner Rajesh @ Kesaria, an accused in FIR No.165 dated 18.03.2020, for an offence under Sections 379-B IPC and Section 25 of the Arms Act, registered with Police Station Sector-58, Faridabad.

Briefly stated facts of the case as per prosecution story are that, on on 18.03.2020, Madan Lal son of Roshan Lal, Rajesh son of Devi Ram and Manohar Lal son of Mam Chand were travelling in Omni van for going to Palwal; when the van reached at an abandoned place, five persons, who were sitting in that very van by showing them weapons started giving beatings to them and snatched their belongings, which included Rs.15,000/- in cash, ATM of Axis Bank, mobile phone and other documents from Madan Lal; Rs. 1200/- in cash, mobile phone,

watch, purse, chain etc., from Rajesh; Rs.5000/-, mobile phone, watch from Manohar Lal; Manohar Lal had suffered injuries also; the victims somehow managed to come out of the Omni van and save their lives; on matter being reported to the police by Manohar Lal, formal FIR was registered; the investigation in the case started, during the course of which, petitioner/accused Rajesh @ Kesaria was arrested on 01.09.2020; he suffered a disclosure statement and got recovered snatched mobile phone belonging to Madan Lal; the other accused nominated i.e. Monu son of Balwan and Saurabh @ Monu son of Balu were reported to be confined in Mathura Jail in some criminal case; on completion of investigation, the challan has been filed in the Court against Rajesh and he is facing trial there.

Petitioner had filed an application for regular bail before learned Sessions Judge, Faridabad. However, that application was dismissed, vide order dated 14.10.2020. As such, he has approached this Court craving for grant of similar relief, by way of filing the present petition, which is being resisted by the State counsel.

I have heard learned counsel for the parties besides going through the record.

The petitioner is not named in the FIR. The recovery has since been effected from him. He is behind bars w.e.f. 01.09.2020 i.e. for about 10 months. As informed by the State counsel, the petitioner is not involved in any other criminal case. The proceedings in the Courts at district level have been severely affected on account of outbreak of pandemic COVID-19; the guilt of the petitioner shall be determined

during the trial, the conclusion of which is likely to take considerable time. Therefore, I find it proper and appropriate to grant benefit of regular bail to the petitioner. Accordingly, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of trial Court/CJM/Duty Magistrate, Faridabad, subject to the following conditions:-

- (i) he shall appear in the Court on each and every date of hearing;
- (ii) he shall not give any threat or intimidation to the prosecution witnesses;
- (iii) he shall not indulge in any criminal activity;
- (iv) he shall not leave India without prior permission of the Court and shall surrender his passport, if he has got one, otherwise to furnish affidavit in that regard;

Since the petitioner is stated to be a native of Agra (UP), the Court accepting the bonds is to ensure that the surety furnished by the petitioner has immovable property of the value more than surety amount, situated within jurisdiction of District Faridabad and endorsement be got made on the original document with regard to having said person stood surety for the petitioner and copy of that document be got attached with the bonds. Such condition is necessary to ensure that the petitioner does not abscond.

In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

30.06.2021

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(H.S. MADAAN)
JUDGE

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