

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

CRM-M-7973-2021

Date of Decision: 26.02.2021

Dinesh Kumar @ Mona

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Amandeep Singh Samra Advocate for the petitioner.
Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed the second petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.244 dated 25.09.2019, under Sections 201 , 34, 397 IPC and 25 of the Arms Act registered at Police Station Sadar Narwana, District Jind, Haryana. The petitioner is confined in judicial custody since 08.11.2019

The allegations contained in the FIR as noticed by Additional Sessions Judge, Jind in his order dated 14.01.2021, are as under:

“On 25.09.2019 Mohit Kumar complainant moved a complaint mentioning that he is working in Bharat Finance at Narwana on the post of S.M. He collects installments of loan from various women group. On 25.09.2019 at 11”30 o'clock after collecting the installments from women of village Bhekhewala and Faranit (Approximately Rs. 60,000/-) he was going on his motorcycle No. HR976812HD DILX from Farain via Dublain. At a distance of one kilometer from Farain, three Pulsar motorcycle borne young boys with muffled faced brought their motorcycle parallel to his motorcycle and snatched his cash bag. On account of

this snatching complainant motorcycle got imbalanced and he fell down. One of the snatchers pointed pistol and threatened to kill him. They not only snatched cash of Rs. 60,000/- which was in his bag but also with Rs. 2000/- cash which he was carrying in his pocket. He gave the information to DM and BCM of his office who reached at the spot. Thereafter, they passed on information to the police control room From the above said above referred FIR was registered.”

Learned counsel for the petitioner contends that alleged occurrence took place on 25.09.2019 wherein none of the assailants was named and since the petitioner was arrested on 19.10.2019 in case FIR No. 396 dated 19.10.2019 for an offence punishable under Arms Act, he was falsely indicted in the present case. He has further pointed out that except for these two cases, petitioner is not involved in any other case and during investigation nothing was recovered from him. He further submits that trial is not making any progress, so the petitioner be released on regular bail.

Learned State counsel assisted by SI Krishan Kumar has opposed the prayer on the ground that the offence is serious in nature. He has not disputed the fact that charges were framed in this case on 17.03.2020, but prosecution is yet to examine its witnesses.

After hearing the learned counsel for the parties considering the above background this Court finds that petitioner is presently confined in judicial custody after his arrest on 08.11.2019, but, the trial is not making any progress as no prosecution witness has examined so far out of total twenty one witnesses. Therefore, the further detention of the petitioner would not serve any useful purpose.

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.

February 26, 2021
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(MANOJ BAJAJ)
JUDGE

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