

IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

SANJIV KUMAR SHARMA
2021/07/16 16:27
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CRM-M-18521-2021 (O/M)

Date of decision : 6.7.2021

Arun Kali Raman

..... Petitioner (s)

Versus

State of Haryana

..... Respondent (s)

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Robin Singh Hooda, Advocate
for petitioner.

Mr. Surender Singh, AAG Haryana.

(Through Video Conferencing)

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HARINDER SINGH SIDHU, J.

This is a petition filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No. 344 dated 28.8.2020 registered under Sections 341, 342, 364 A, 379 B, 120 B, 34 IPC and under Section 25 of Arms Act, 1959 at Police Station Matlauda, District Panipat.

FIR was lodged on the complaint of one Shri Kant who stated that he was working in IOCL Refinery, Panipat. On 4.2.2020 at about 1.00 pm, he was coming from IOCL Panipat after finishing his work and was going to his home on a scooty. When he reached near village Sethana, a blue coloured Creta car overtook him and blocked his way. Thereafter, complainant stopped his scooty by the side of the road. 3 young man came out of the car with weapons. He identified one of them as Ankit who was carrying a small pistol in his hand, the other boy namely Dinesh was carrying a rifle in his hand and the third boy namely Monu was having DBL gun. By pointing their weapons on complainant, they asked the complainant to sit in the car. They snatched his purse which contained valuable documents, Rs. 10000/- and mobile phone. They started giving him fists and kick blows. They took him to Jyoti Colony, Sector 13-17 where they were joined by 4 persons namely Jasbir Patwari, Monu, Dinesh and Surjeet. These persons were also armed with pistols. They pressurized the complainant to sign certain documents for giving work of labour and vehicle and also the share in the project of company. Thereafter, accused left the complainant on Assandh Road. They also handed him back his purse and mobile.

CRM-M-18521-2021 (O/M)

-2-

Learned counsel for petitioner states that allegations in FIR are totally false. The alleged incident was of dated 4.2.2020 whereas FIR was lodged on 28.8.2020 i.e. after a delay of about 5 months. The petitioner has not been named in FIR.

Learned counsel for petitioner has stressed that non naming of petitioner in FIR is significant as petitioner was working in the same plant where complainant was working. If the petitioner was among the assailants, he could have been earlier identified. Petitioner's name only surfaced on the disclosure statement of co accused. No recovery has been effected from petitioner. Learned counsel for petitioner argues that reliance by prosecution on the call detail records of petitioner is also misplaced as petitioner is an employee of IOCL Refinery. The incident is alleged to have taken place in front of Refinery. The petitioner obviously was in the refinery.

The investigation in case is complete and challan has been filed. Petitioner is in custody since 24.9.2020.

Without commenting anything on merit of case and considering the fact that trial of case may take a long time due to prevailing situation on account of COVID 2019 and also the fact that investigation in the case is complete and the petitioner is in custody since 24.9.2020, no useful purpose would be served by keeping him behind bars. Hence, petition is allowed. Petitioner Arun Kali Raman is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of trial Court/Duty Magistrate concerned.

(HARINDER SINGH SIDHU)
JUDGE

6.7.2021
sjks

Whether reasoned order : Yes / No

Whether reportable : Yes / No