

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.31769 of 2021

Date of Decision: August 16, 2021

Sahil

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Amit Singla, Advocate,
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.274 dated 22.09.2020, under Sections 394, 397, 506 IPC, 1860, registered at Police Station, Kalayat, District Kaithal, wherein challan has been filed under Sections 326, 395, 397, 506 and 379-B IPC. The petitioner is in custody since his arrest on 23.03.2021.

The contents of the FIR, as noticed by the Additional Sessions Judge, Kaithal in his order dated 30.04.2021, are as under:-

“In brief, it is the version of the prosecution that FIR was registered on the statement/application of Amardeep, son of Suresh Kumar, resident of Dharam Singh Colony, Narwana, District Jind, wherein he has stated that he is a student of BA-II in RKSD College, Kaithal and his uncle Bilender, son of Ram Diya, resident of Mirchpur, District Hisar has taken a liquor vend in village Sinad and due to lockdown of COVID-19, he is not going to college and is residing with his uncle in a

rented house and doing the work of collecting cash and providing meals to the salesman of the said vend. On 21.09.2020, at about 9:30 pm, he was coming on his motor-cycle No.HR08Z-5055 from vend after giving meal to Krishan, son of Dalip and had taken ₹ 11,000/- from him which was the amount of sale. In the meantime, 4-5 young boys with muffled faces came, armed with iron rods and gandasies and on seeing them, he turned towards fields along with cash amount of ₹11,000/- and they started following him. Suddenly, one boy threw an iron rod towards him which hit his leg and he fell down and thereafter, all the accused caused injuries to him with their respective weapons and also snatched ₹11,000/- from him and threatened to kill him and fled away alongwith their weapons. Thereafter, he was taken to Government Hospital, Kalayat and then referred to Civil Hospital, Kaithal for treatment and present FIR was registered.”

Learned counsel for the petitioner has argued that the name of the petitioner does not figure in the FIR, who was implicated on the basis of the disclosure statement suffered by co-accused. According to him, the similarly situated co-accused has already been released on anticipatory bail by the court of sessions and now the investigation of the case is complete, therefore, he be also released on bail.

On the other hand, the prayer is opposed by the learned State counsel, assisted by ASI Ujjawal Singh, who has argued that during interrogation, a sum of ₹ 550/- was recovered from the petitioner. He submits that the petitioner was also involved in crime, wherein the victim had suffered injuries also. He submits that after completion of investigation, final report was filed on 30.04.2021.

After hearing the learned counsel for the parties and considering the custody period of the petitioner, this court is of the opinion

that as the investigation is complete, the further custody of the petitioner may not be necessary for any useful purpose, who is presently confined in judicial custody after his arrest on 23.03.2021. Further, the trial is yet to commence as the charges are yet to be framed and it may take considerable time to conclude.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and 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/CJM/Duty Magistrate, Kaithal.

August 16, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No