

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

CRM-M-48036-2021 (O&M)
Date of Decision:- 23.11.2021

Rajesh @ Raju @ Raj Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. P.S.Sullar, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana
assisted by Inspector Vinay Kumar.

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of regular bail in a case registered against him vide FIR No.43 dated 2.2.2021 under Sections 148, 149, 323, 379-B, 427, 447, 506 IPC and under Sections 27/54/59 of the Arms Act, 1959 at Police Station Kanina, District Mohindergarh.
2. The FIR was lodged on the complaint of one Birender Singh who stated that he alongwith his employee Hanuman was present at his petrol pump HP Kotia Pump. Munesh, Mahabir, Rahul, Raj Singh and Ram Chander alongwith 10-12 goons came in a pick up truck and attacked the complainant. They inflicted injury with iron rod on the head of complainant. The complainant saved himself by raising his hand. Accused took away ₹5,16,000/- from his office. They also snatched mobile, LED, TV, bed, fridge, almirah and other documents relating to petrol pump including ATM

card, credit card, 2 cheques, cheque book, DVR etc. They broke the cameras installed at petrol pump.

3. The learned counsel for the petitioner has submitted that it is a case where there is a dispute regarding possession of the petrol pump which is owned by co-accused Mahabir and that complainant had forcibly taken possession of the petrol pump. It has further been submitted that the matter pertaining to possession of the petrol pump is already pending in the civil Court. The learned counsel has further submitted that in any case, several of the co-accused have been granted anticipatory bail and in these circumstances, the petitioner, who has been behind bars since the last more than 6 months, deserves to be released on regular bail.
4. Opposing the petition, the learned State counsel has submitted that since the petitioner is specifically named in the FIR, no case for grant of bail is made out. The learned State counsel has not disputed the fact that some other identically situated co-accused have been granted anticipatory bail. It has also been informed that the petitioner as on date has been behind bars since the last about 6 months and is not involved in any other case.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the facts and circumstances of the case and while noticing that the petitioner has been behind bars for a substantial period of more than 6 months and is stated to be having a clean record, further detention of the petitioner would not be justified.

7. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

23.11.2021

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No