

**234 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-9126-2022****Date of decision-10.03.2022****Ram Singh @ Ashu****....Petitioner****Vs.****State of Haryana****...Respondent****CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. Nonish Kumar, Advocate for the petitioner.
Mr. Bhupender Singh, DAG, Haryana.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.269 dated 04.09.2020 registered under Section 379-B Indian Penal Code, 1860 (Sections 120-B, 302, 323, 34 IPC added later on) at Police Station Madhuban, Karnal, who is custody since his arrest on 20.10.2020.

The above FIR was registered on the basis of a written complaint given by complainant Sakib and relevant extract reads as under:-

“Sir, request is that I Sakib son of Jamir caste Pathan Musalman is resident of village Jajupura P.S. Pihani District Hardoi, U.P. That my chacha Najmool son of Safai caste Pathan Musalman resident of village Jajupura District Hardoi, U.P. is doing job of driver on truck No.HR55-M-9405 and I am doing the job of conductor on the truck with my chacha. Yesterday, dated 03.09.2020, I and my chacha Najmool after unloading the truck at Yamunanagar started towards Delhi. Truck was driven by chacha Najmool and I was sitting with him. Now today dated 04.09.2020 when we reached near Government School village Kerwali then at about 2.00

a.m. one car came from backside and by overtaking us stopped suddenly in front of our truck. 5/6 young boys came out from the car by holding knives and dandas in their hands and stopped our truck, who forcibly brought us down and started giving beating to us. Due to fear I ran away but my chacha Najmool was given many injuries by accused persons with their respective weapons. The accused forcibly snatched Rs.35,000/-, one small mobile phone Samsung double SIM with No.7052758536 and 9936054534 from my chacha. At that time one vehicle canter also came from behind, which was also stopped by accused forcibly, and the driver and conductor of canter were given beatings also with dandas and knife and their articles were also snatched. I made the noise and from the village some persons came towards us and on seeing them all these young boys escaped in their car alongwith their weapons with the mobile and money snatched from us towards Kotel, and I can identify them, if they come in front of me. Due to dark the number of car and Make were not visible. The number of canter is UP-19T-7456 and was driven by Jasbir son of Sehandar and Surinder son of Satpal caste Kashyap resident of village Jhijana district Shamli U.P. was the cleaner. Thereafter, villagers took us to Govt. Hospital, Karnal for treatment from there doctor referred my chacha Najmool and conductor of canter Surinder son of Satpal to KCGMC, Karnal after giving first aid where the treatment of my chacha Najmool is going on. And the conductor of canter has been taken to some other hospital for treatment by driver Jasbir. That I have given you my application and MLR of my chacha Najmool, legal action be taken against the unknown young boys present in car. Thanks. Sd/- Sakib”

Learned counsel for the petitioner has argued that the petitioner is not named in the FIR, who has been falsely implicated and during trial, material witnesses have not supported the prosecution case. According to him, the other co-accused has already been released on regular bail, therefore, the petitioner also deserves the same concession. In this regard, he has invited the attention of the Court to Annexure P-4 i.e. the order passed in respect of co-accused. He prays for bail.

On the other hand, learned State counsel assisted by ASI Gurmeet Singh has opposed the prayer, however, he does not dispute this fact that petitioner is not involved in any other case and co-accused has already been released on regular bail. According to him, the prosecution has examined 8 witnesses so far out of total 26 witnesses. He on instructions further states that case is now fixed before the trial Court for recording remaining prosecution witnesses on 06.04.2022.

Considering the above background, custody of the petitioner and the fact that material witnesses have been examined, but the trial will still take considerable time to conclude as 18 witnesses are yet to be examined, therefore, this Court is of the opinion that further detention of the petitioner may not serve any useful purpose, who is presently confined in judicial custody after his arrest on 20.10.2020.

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/Duty Magistrate.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

10.03.2022

vanita

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