

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-33927-2021

DATE OF DECISION: FEBRUARY 22, 2022

MANDEEP

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. DEEPAK VASHISTH, ADVOCATE FOR THE PETITIONER.
MR. BHUPENDER SINGH, 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.244 dated 25.9.2019, under Section 397 IPC (Section 201, 34 IPC and Section 25 Arms Act added later on), Police Station Sadar Narwana, Tehsil Narwana, District Jind, who is in custody since his arrest on 25.11.2019.

The allegations contained in the FIR as noticed by the Addl. Sessions Judge, Jind in the order dated 4.8.2021, are as under:-

“In brief the facts of the prosecution case are like that the FIR in the present matter was registered on the basis of application moved by Mohit Kumar s/o Sh. Mahinder Singh, r/o village Mangoli (hereinafter referred as complainant) before the police on 25.09.2019. In brief, it is alleged in the application that the complainant is resident of Kurukshetra and working in Bharat Finance, Narwana at the post of S.M. for the last one year. He used to collect the installments of loan from the women in the villages and used to deposit the same at Narwana Branch. On that day i.e. 25.09.2019 at about 11:30 PM,

he collected the amount from village Bhikhewala and Frain, totaling Rs.60,000/- and was going to village Dablain from village Frain on his motorcycle No. HR-97-6812 HF Delux. When he reached at a distance of about 1 km from village Frain then three young boys came on a pulsar motorcycle from back side who had covered their faces with cloth. They placed their motorcycle alone side the motorcycle of complainant and one of the boys pulled his bag due to which he lost balance and fell down. One of the boys showed him pistol and said that if he raised any alarm then that boy would fire a shot on him. Then they snatched the bag which was containing Rs. 60,000/- and they took away Rs. 2000/- from his pocket and ran away along with motorcycle. The complainant informed to B.M. Mohit Sharma and B.C.M. Gurmeet in his office and they came on spot. Thereafter, they informed the police control room. The tab and biometric was also kept in bag which have also been taken by them. Action may be taken against them.”

Learned counsel for the petitioner has argued that the co-accused of the petitioner, namely, Dinesh Kumar @ Mona and Amit @ Maddi have already been released on regular bail by this Court vide orders dated 26.2.2021 and 2.8.2021, passed in CRM-M-7973-2021 and CRM-M-10436-2021, respectively. He further submits that the trial is not making any headway, as no prosecution witness has been examined till date. He prays for bail.

On the other hand, learned State counsel assisted by ASI Balwan Singh does not dispute this fact that case of the petitioner is at par with his co-accused, but opposes the prayer on the ground that the petitioner

is involved in other cases of similar nature. He on instructions further states that though the charges were framed on 17.3.2020, but till date no prosecution witness has been examined out of total 21 prosecution witnesses.

Considering the above background, the length of custody of the petitioner and the fact that the trial is yet to commence, therefore, this Court does not find any reason to further detain the petitioner behind the bars as the trial is likely to take considerable time to conclude.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

February 22, 2022
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No