

219 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-32351-2022 (O&M)

Date of Decision:29.09.2022

PANKAJ

... PETITIONER

VS.

STATE OF HARYANA

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr.Rakesh Kumar Lathwal, Advocate and
Mr. Man Mohit Malik, Advocate, for the petitioner.

Mr. Zorawar Singh Chauhan, DAG, Haryana.

VIVEK PURI, J.(ORAL)

The petitioner is seeking regular bail in the case bearing FIR No.559 dated 15.10.2017 under Sections 379-B/ 120-B/ 34 IPC (Sections 395/397/412 IPC added later on) and Section 25 of the Arms Act, registered at Police Station Gannaur, District Sonipat.

Custody certificate has been placed on record.

Briefly, the FIR has been registered on the basis of the statement of Siddharth Jain, alleging that he is running a showroom by the name of 'Vicky Jewellers'. On 15.10.2017 at about 5:30 A.M., the complainant alongwith his salesman Ravi and petitioner, who was working as driver, were proceedings to Dehradun for delivery the jewellery items to the aunt of the complainant in a vehicle being driven by the petitioner. The petitioner had stopped the vehicle at the spot where a swift car was parked. Three persons armed with weapons, entered the vehicle of the complainant and snatched the bag filled with jewellery and diamonds alongwith gold chain, apple I-phone, cash of the complainant and mobile phone purse containing cash of Ravi.

Learned counsel for the petitioner contends that there are seven accused arraigned in the instant case and six have been granted regular bail. The petitioner is in custody for a period exceeding four years. Though, he is involved in two other cases, but has been granted bail. The complainant as well as other eye witness, namely, Ravi have been examined during the course of trial.

Learned State counsel has opposed the bail application and on the instructions from ASI Satbir Singh, submits that the complainant has been examined and so far only 3 out of 36 witnesses have been examined. It has been further argued that golden jewellery weighing 428 grams alongwith cash of Rs.1 lac has been recovered from the petitioner. The petitioner was in employment of the complainant but in conspiracy with the co-accused had stopped the vehicle at convenient place which facilitated his co-accused in commission of robbery/dacoity.

It is significant to note that the petitioner is custody for a period of 04 years and 04 months. Though, he is involved in two other cases under Section 307 IPC but custody certificate indicates that he is on bail in those cases. The recovery from the petitioner has already been effected. All the co-accused are stated to be on bail. The complainant and eye witness have also been examined. As such, it cannot be said that the petitioner can make an attempt to win over or influence the witnesses. So far only 03 out of 36 witnesses have been examined and as such, the conclusion of trial is likely to take substantial time. Keeping in view the period of incarceration of the petitioner and the pace at which the trial is progressing, sufficient grounds are made out to extend the concession of bail to the petitioner.

Accordingly, without making any observation on the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate//Duty Magistrate.

29.09.2022

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(VIVEK PURI)**JUDGE**

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