

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

CRM-M-53282 of 2021 (O&M)

Date of Decision: 22.04.2022

Samsu alias Lambu

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Afzal Hussain, Advocate
for the petitioner.

Mr. R.K. Singla, DAG, Haryana.

HARINDER SINGH SIDHU, J

Prayer is for grant of regular bail in case FIR No.33 dated 07.02.2015 under Sections 395, 397, 201 of the IPC and Sections 25,54,59 of Arms Act registered at P.S. Bahin, District Palwal.

FIR was lodged on the complaint of Nar Singh Narayan who stated that he was driver on Truck No. HR-47-C-8184 while Dharmender was conductor on the said truck. On 05.02.2015, at about 9.30 p.m., after loading the goods of GATIKWE Transport Company from Jamalpur, they proceeded to Behragoda, Jharkhand. At about 01.30 a.m., in the night, when they reached Village Kot, one TATA 407 came in front of their vehicle forcing them to stop the truck. 7-8 boys got down from TATA vehicle and boarded the truck of the complainant. One boy who had country made pistol pointed it at the temple of the complainant. Accused tied the mouth as well as hands of the complainant. They drove the truck to a lonely place. In the morning, at about 04.00 a.m., they were set free. During investigation, accused Fakkar @ Fakru who was in custody in case FIR No.8/2015, under Sections 395, 397 IPC and 25 of the Arms Act, 1959, P.S. Camp Palwal was arrested. On his disclosure statement, TATA 407

was recovered. On 25.05.2015, one Arshad was arrested and the petitioner has been implicated on the basis of his disclosure statement. On completion of investigation, a report under Section 173 Cr.P.C. was filed against 6 accused. However, Safik, Rafik Bhadana, Jeyan, Aarif, Sahun and Samsu @ Lambu (petitioner) could not be arrested. The petitioner was declared as P.O. on 01.10.2015. He has been arrested on 27.04.2021 and has been in custody since then. Out of 6 accused, who have faced trial, 4 have been acquitted. Mustak and Fakkar have been convicted for the offence under Sections 395, 397 IPC and sentenced to undergo R.I. for 7 years.

Learned counsel for the petitioner contends that the petitioner has been implicated on the basis of disclosure statement of Arshad who has been acquitted. The truck allegedly used in the commission of offence has been recovered from Fakkar and the pistol from Mustak. No recovery has been effected from the petitioner and that the petitioner is in custody since 27.04.2021.

Without commenting anything on the merits of the case and also bearing in mind the fact that the trial is not likely to be concluded in near future, in my opinion, no useful purpose will be served by detaining the petitioner behind bars any further. The petition, as such, is allowed. The petitioner Samsu alias Lambu is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

April 22, 2022

(Harinder Singh Sidhu)

manoj

Judge

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No