

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

CRM-M-52836-2021 (O & M)

Date of decision: 31.08.2022

Biru Ram

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Rajesh Duhan, Advocate for
Mr. Rajesh Nain, Advocate,
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

CRM-19324-2022

Allowed as prayed for. Annexures P-3 and P-4 are taken on
record, subject to all just exceptions.

CRM-M-52836-2021

Through this petition, the petitioner seeks regular bail in case
FIR No.251 dated 30.09.2020, registered at Police Station Cheeka, District
Kaithal, under Sections 171, 395, 397 and 201 IPC and Section 28 of the
Arms Act, 1959.

As per the prosecution version, the petitioner called the
complainant, who is a scrap dealer, at his shop and stated that scrap of
worth Rs.3 lakh was available with him; that the petitioner carried the
complainant to his house stating that scrap was lying in the portion of
warehouse of his house; that thereafter, three other persons arrived there
and started beating the petitioner, complainant and his partner, alleging that

they were indulged in illegal business; that one of the persons had robbed cash amount of Rs.2,22,000/- from the complainant and also carried away the petitioner with them and directed to the family members of the petitioner to keep the complainant and his partner there.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the present case; that the petitioner has been in custody since 12.04.2021; that co-accused, namely, Sunny and Parveen Kumar have since been granted the concession of regular bail by learned Addl. Sessions Judge, Kaithal, vide orders dated 07.12.2020 and 12.05.2021 (Annexures P-3 and P-4), respectively; that co-accused, namely Vaisakshi Ram @ Baisakhi Ram has been bailed out by this Court, vide order dated 01.12.2021, and that no prosecution witnesses has been examined so far. On this premise, learned counsel prays for the grant of bail to the petitioner.

On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that the petitioner alongwith co-accused hatched a conspiracy to loot money from the complainant on the plea of selling scrap to him; that the petitioner alongwith other co-accused had looted the complainant of Rs.2,22,000/-; that out of the looted amount, Rs.15,000/- had come to the share of the petitioner and that out of Rs.15,000/-, recovery of Rs.2,200/- had been effected from the petitioner.

I have heard the learned counsel for the parties

The charges have already been framed. The petitioner has been in custody since 12.04.2021. Out of 17 prosecution witnesses, none has been examined so far. As such, trial is unlikely to conclude any time soon. As stated above, the co-accused have since been granted the

concession of regular bail. So far as another case pending against the petitioner is concerned, he has since been released on bail therein. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

31.08.2022
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No