

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

203

CRM-M-12772-2023
Date of decision: 15.09.2023

SubhashPetitioner

versus

State of HaryanaRespondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Sachin Bhardwaj, Advocate for the petitioner.

Mr. Rajbir Singh, D.A.G., Haryana.

NAMIT KUMAR, J. (ORAL)

1. Status report by way of affidavit of Jitender Kumar, HPS, Deputy Superintendent of Police, Narnaul, District Mahendergarh, on behalf of the respondent-State, has been filed in the Registry which is taken on record.

2. This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case FIR No.89 dated 07.04.2022 under Section 307, 397, 341, 394 and 120-B of the Indian Penal Code, 1860 and Sections 25 of the Arms Act, 1959, registered at Police Station Nangal Chaudhary, District Mohindergarh.

3. The above-said FIR was registered on the statement of Satish Chander alleging that he was 48 years old and was working in IDFC Bank in Behror. This bank, under scheme, used to give loan upto Rs.30,000 to 50,000/- to women. On that very day, i.e., 07.04.2022, he left from Behror at about 7:00 A.M. for Dhani Chima in village Nayan as he was allotted four villages, i.e., Bhetandi, Devta, Banahar and Banihari for recovery. After effecting recovery in Banahar and

Banihari, he went to meet his friend Mukesh in village Bhetandi. After meeting his friend, he was returning on his motorcycle No.RJ-02WS-8865 to Behror. When he reached in the middle of Shahabazpur-Bhetandi at about 2:30/2:45 P.M., two young persons came on Splendor motorcycle from the side of Bhetandi from his behind and intercepted his motorcycle. One of the young persons kicked at his motorcycle to make him fall on the ground and the other young person asked him to hand over his bag to him. When he refused, both the young persons snatched bag from him. When he had resisted and did not loose his hold on the bag, one of the young persons fired at him. Though he saved himself but shrapnel hit him on the left side of his chest and he fell on the ground. Then both the young persons had fled away after snatching his bag containing Rs.2,50,000/-, one tablet, documents etc. there was no number plate on the motorcycle of the said persons. He could identify them on coming face to face. He immediately telephonically informed Mukesh Bhetandi, who also came at the spot. Then, the police was informed and he was shifted to the said hospital. On this complaint, investigation was launched ana accused Ajit, Sachin @ Kheta and Om Prakash were arrested.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. The petitioner was not named in the FIR and has been implicated in the present case only on the basis of disclosure statement made by co-accused Ajit which is not admissible in the eyes of law. The petitioner is not involved in any other case. Moreover, the main

accused namely Ajit and Sachin @ Kheta have already been granted regular bail by this Court vide order dated 31.08.2023 passed in CRM-M-58385-2022 and CRM-M-40100-2023, respectively. He submits that petitioner is in custody since 04.07.2022. He further submits that investigation in the present case is complete; challan has been presented; charges have been framed and out of total 13 prosecution witnesses, 11 have been examined. He further submits that trial may take a considerable time to conclude, therefore, no fruitful purpose would be served by detaining the petitioner behind bars.

5. Per contra, learned State counsel while placing on record the custody certificate opposes the prayer for grant of regular bail to the petitioner on the ground that as per the disclosure statement made by co-accused Ajit, the petitioner has actively participated in the alleged crime. He, however, submits that petitioner is in custody for the last 01 year and 02 months; investigation in the present case is complete; challan has been presented; charges have been framed and out of total 13 prosecution witnesses, 11 have been examined so far and the next date fixed before the trial Court is 20.09.2023.

6. I have heard learned counsel for the parties and perused the record.

7. Keeping in view the custody of the petitioner, which is 01 year and 02 months; the fact that the petitioner is implicated in the present case on the basis of disclosure statement; investigation in the present case is complete; challan has been presented; charges have been framed; out of 13 prosecution witnesses, 11 have been examined so far;

petitioner is not involved in any other case; co-accused Ajit and Sachin @ Kheta have already been granted regular bail by this Court vide order dated 31.08.2023 and trial is likely to take a considerable time, however, without commenting upon the merits of the case, the petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of the Illaqa Magistrate/Trial Court.

8. The petition stands disposed of accordingly.

15.09.2023
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(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No