IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRM-M-17090-2023
Date of Decision: 17.07.2023

Ripu Daman alias Tinku ..... Petitioner

Versus

State of Haryana ..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Sushil Sheoran, Advocate,
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

Mr. Sunil Chaudhary, Advocate,
for the complainant.

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JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case bearing FIR No.826, dated 22.11.2018, under Sections 186, 201, 302, 307, 323, 332, 342, 353, 379-B, 392, 394, 397 & 506 of the IPC and Section 25 of the Arms Act, 1959 registered at Police Station Bhiwani City, District Bhiwani.

2. Learned counsel for the petitioner has submitted that the petitioner is in custody since 26.11.2018, which is about 4½ years and considering the custody of the petitioner, he may be considered for the grant of regular bail. He further submitted that the petitioner is not involved in any other case and he has been falsely implicated in the present case.

3. On the other hand, Ms. Harpreet Kaur, learned AAG, Haryana submitted that the magnitude and gravity of the present case would disentitle

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the petitioner for grant of regular bail. She further submitted that although the petitioner has faced incarceration for about 4½ years but it is a case where the petitioner along with the co-accused had committed robbery of a bank and although the subject matter of robbery was about Rs.58,000/- but the petitioner along with the other co-accused had attacked the security guard of the bank which resulted in the death of the security guard and apart from the above, even the Cashier was also attacked, who was injured. She also submitted that at the time of investigation, scientific evidence was also obtained from where in the FSL report there was a matching of the blood qua the petitioner. She further submitted that there was a recovery from the present petitioner to the extent of about Rs.58,000/- apart from the blood stained cloth which was sent to the FSL. She vehemently opposed the grant of bail to the petitioner.

4. Mr. Sunil Chaudhary, learned counsel for the complainant has also opposed the grant of bail to the petitioner and submitted that it is a case where security guard who was only guarding the bank, was killed by the petitioner and the other co-accused and considering the gravity of the offence, the petitioner does not deserve the concession of regular bail.

5. Both the learned counsels for the respondents have also stated that now the trial of the case is progressing very fast and 22 out of 43 cited witnesses have already been examined and now short dates are being given by the learned trial Court.

5. I have heard the learned counsel for the parties.

6. It is a case where although the petitioner has faced incarceration for about 4½ years, but now as per the learned counsel for the parties, 22 out of

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43 cited witnesses have already been examined and now short dates are being given by the learned trial Court. The allegations contained in the FIR and the submissions made by the learned State counsel that in view of the gravity and magnitude of the offence, the petitioner does not deserve the concession of regular bail, cannot be ignored and carries weight. It is a case where the security guard of the bank was killed and the Cashier was injured and it was a bank robbery case. As per the learned State counsel, there was a matching of blood of the deceased and the petitioner by the FSL. Therefore, this Court is of the view that considering the gravity and magnitude of the offence involved, the petitioner does not deserve the concession of regular bail.

7. Consequently, the present petition is hereby dismissed.

8. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

17.07.2023 **(JASGURPREET SINGH PURI)**
Bhumika **JUDGE**

1. Whether speaking/reasoned Yes/No

2. Whether reportable: Yes/No

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