

CRM-M-31969-2023

::1::

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-31969-2023 (O & M)****Date of decision: 12.07.2023**

Ranoop alias Anup

.... Petitioner

V/s

The State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Ms. Neeru Bansal, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No.164 dated 22.04.2019 under Sections 395, 397 IPC and Sections 25, 27 of the Arms Act, 1959 (added later on) registered at Police Station Ganaur, District Sonapat.

2. The present FIR came to be registered on the statement of Mahender Singh, Bank Manager on the allegation that at about 2.30 p.m. in the afternoon, 05 young boys wearing helmets, came on two motorcycles, entered the Bank with pistols in their hand, threatened all the employees, robbed the Bank of cash, took along the DVR recording with them after locking the staff in the strong room. After about half an hour, when a customer came, he unlocked the strong room and thereafter, the instant report was lodged with the police regarding decoity of Rs.6,88,650/-.

CRM-M-31969-2023

::2::

3. The learned counsel for the petitioner contends that the petitioner was not named in the FIR. Pursuant to his arrest, no identification parade was conducted and the material witnesses in their examination have stated that they could not identify the alleged accused on account of their muffled faces. As the petitioner was in custody since 23.06.2020, only 20 of the 39 prosecution witnesses had been examined and the co-accused of the petitioner, namely, Jagbir @ Kala and a juvenile-Ankit had been granted the concession of bail by this Court, the petitioner was entitled to the similar concession.

4. The learned counsel for the State, on the other hand, contends that the petitioner is one of the main accused. There is a recovery of Rs.5,000/- from him which fell into his share after the incident. He, however, does not deny the fact that the petitioner is in custody since 23.06.2020, only 20 of the 39 prosecution witnesses have been examined so far and two co-accused of the petitioner have been granted the concession of bail.

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

6. Admittedly, the petitioner is in custody for the last more than 03 years. Only 20 of the 39 prosecution witnesses have been examined so far and two co-accused of the petitioner have been granted the concession of bail. In this situation, the petitioner can be granted the similar concession.

7. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner-Ranoop alias Anup is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

CRM-M-31969-2023

::3::

8. The petitioner shall appear on the first Monday of every month before the police station concerned till the conclusion of the trial and furnish an affidavit each time that he is not involved in any crime other than the present one.

9. In addition, the petitioner (or someone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

(JASJIT SINGH BEDI)
JUDGE

July 12, 2023
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No