

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(224)

CRM-M-38187-2023
Date of decision:- 05.12.2023

Ket Ram

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Vikram Jeet Singh, Advocate
for the petitioner.

Mr. Munish Sharma, DAG, Haryana
for State-respondent.

SUVIR SEHGAL, J. (ORAL)

1. Instant petition has been filed under Section 439, Cr.P.C. seeking grant of post-arrest bail in:-

FIR No.	Dated	Police Station	Sections
09	10.01.2023	Thanesar City, District Kurukshetra	302, 323 and 460, IPC and Section 25 of the Arms Act (Sections 396, 397 and 120-B, IPC were added later on)

2. FIR has been registered on the statement of Dr. Atul Arora stating that about 9:20 P.M. on 09.01.2023 when he went upstairs to his house from his hospital on the ground floor, he heard a cry of his wife, Vanita. When he stepped out of the room, two boys, who had entered the premises, threatened him with a pistol and inquired about money and jewellery. He handed them Rs.1 lac, which was in his pocket. He was assaulted for about 15 minutes and repeated inquiries were made for more money. However, he managed to escape to his neighbours house and the police was called at the spot. His wife was found to be dead and the entire jewellery of the family,

stolen. He suspected their ex-maid, Poonam and her friend, Vikram. He further stated that when his wife screamed, a servant named, Ketram (present petitioner) and his wife, Gudiya, ran downstairs, but they were also restrained with a pistol.

3. Counsel for the petitioner contends that although petitioner has been named in the FIR, but no allegation has been levelled against him. He submits that the petitioner has been arraigned as an accused on the basis of disclosure statement, Annexure P-1, of accused, Manish Kumar, who was apprehended on the same day. Counsel submits that the petitioner has been falsely implicated and as is apparent from the allegations in the FIR, he came to the scene of the crime to help complainant's wife on hearing her screams. By making a reference to the Disability Certificate, Annexure P-1/A, counsel submits that the petitioner, who has clean antecedents, is orthopedically handicapped to the extent of 55%. He submits that the crucial prosecution witnesses, i.e., complainant and his mother, have been examined and the petitioner deserves to be enlarged on bail.

4. Opposing the petition, State counsel, upon instructions from SI, Karambir, submits that the petitioner is the link between the robbery and the main accused and it was on his signal that the main accused entered the premises. He has made a reference to the status report and submits that the petitioner was standing on the terrace of the house and signaled to the accused to enter the house. State counsel further submits that the petitioner was given his share in the loot, but on the basis of the status report candidly admits that no recovery has been effected from the petitioner.

5. I have heard counsel for the parties and considered their respective submissions.

6. Petitioner, who is a physically handicapped young man of 28 years of age with clean antecedents, has been in custody since January, 2023. Except for the role ascribed to him by the prosecution, which will remain a subject matter of debate before the Trial court, there is no other incriminating material against the petitioner. As both the vital prosecution witnesses have been examined, this Court is *prima facie* of the view that the petitioner deserves to be enlarged on bail.
7. Without adverting to the merits or demerits of the arguments addressed by counsel for the parties, petition is allowed. Petitioner is ordered to be released on bail on furnishing adequate bail/surety bonds to the satisfaction of the Area Magistrate/Duty Magistrate/Trial Court concerned.
8. Nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

05.12.2023
Kamal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No