

CRM-M-4985-2024

Date of Decision:06.02.2024

Raj Kiran

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S. Shekhawat**Present :** Mr. Vishal Sharda, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.99 dated 28.02.2022 registered under Sections 395, 397 of IPC, at Police Station Rania, District Sirsa.

2. The FIR in the present case was got registered by Bachittar Singh son of Balwinder Singh, by alleging that on 27.02.2022, he had parked his Trollea loaded with wheat at Suraj Filling Station and had gone to the house of Sharwan Singh, driver. His friend Prem Singh driver had also come there. After taking tea, Prem Singh has left Sharwan Singh on his motorcycle. After 15/20 minutes, he was going towards his house on his motorcycle and at about 10.30 p.m., 6/7 boys with muffled faces came on their motorcycle and after causing him injuries, the motorcycle was stopped. They asked him to hand over the cash and mobile phone to them. While the complainant was running,

the accused gave a blow with Kapa on his back and he fell down due to the same. Even his motorcycle was taken away by the accused and he entered in the Heritage Palace by jumping the grill of the building. He was shifted to the hospital by his family members for his treatment.

3. Learned counsel for the petitioner contends that the petitioner was not named in the FIR nor any physical description of any of the accused was mentioned in the FIR. He further contends that after the arrest of the petitioner on 17.05.2022, no test identification parade was conducted by the police to prove his involvement in the crime. He further contends that in the present case, charge was ordered to be framed on 18.10.2022 and the prosecution has been able to examine only 5 witnesses, out of total 24 witnesses and the trial Court may take quite a long time to conclude the trial. He further contends that similarly placed co-accused, namely, Lakhwinder Singh @ Lakha has already been granted the concession of bail by this Court, vide order dated 17.07.2023 passed in CRM-M-46070-2022 (Annexure P-2).

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner. However, she admits that there is no other criminal case against the present petitioner.

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

6. It is not in dispute that the petitioner was arrested in the present case on 17.05.2022 and is in custody since then. Apart from that, only 5 witnesses, out of total 24 witnesses, have been examined so far and no purpose would be served by keeping the petitioner behind bars.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his

furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty
Magistrate/Chief Judicial Magistrate, concerned.

06.02.2024
hemlata

(N.S.SHEKHAWAT)
JUDGE

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