

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRM-M No. 1189 of 2015

Date of decision : January 30, 2015

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Tarif

.....Petitioner

Versus

State of Haryana

.....Respondent

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CORAM: HON'BLE MS. JUSTICE RITU BAHRI

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Present: Mr. Abhimanyu Singh, Advocate for the petitioner.

Mr. Vikas Chopra, DAG, Haryana.

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1. *Whether Reporters of Local Newspapers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the digest?*

RITU BAHRI, J

Petitioner is seeking grant of regular bail in case FIR Noo.449 dated 6.7.2014 registered under Sections 392, 394, 397 of IPC and Section 25 of the Arms Act at Police Station Nuh District Mewat.

As per allegations in the FIR, on 6.7.2014, complainant Ravi Kant driver and Hari Shankar conductor along with their 10, Tyre Truck loaded with aluminum frames, led, rubber and jali started from Behror (Rajashtan) to Jorrat (Assam). At about 3.15 a.m, when they were passing through village Ujina, a dumper came from behind and stopped in front of their truck, forcing him to stop the truck. 3-4

young persons, armed with iron rod and country made pistols alighted from the aforesaid dumper and started beating the complainant and conductor of his truck. They plundered cash amounting to Rs.15,000/- and mobile phone of the complainant and his conductor. They took their truck on approach road and took away about one tone of aluminum from their truck.

Regular bail application of the petitioner was declined by the Additional Sessions Judge, Mewat on 23.12.2014. As per the affidavit filed by the Deputy Superintendent of Police, Nuh, District Mewat, during investigation, truck bearing No. HR-55H-5598 and the dumper bearing number HR -74-0394 were recovered. One country made pistol was got recovered from accused Alam and one Samsung Mobile of the complainant was recovered from accused Rijwan. As per their disclosure statements, these accused disclosed the names of other co-accused namely Sirajudeen S/o Umar Mohd. and Sahid S/o Yunus. Therefore Offence under Section 397 was added. Owner of the aforesaid dumper joined investigation but he was not found involved in the incident. He was declared innocent on the basis of investigation. Suspected accused Sahid has not yet joined investigation and has concealed himself to avoid police arrest. Challan against the petitioner and his co-accused Alam and Rijwan has been presented and the case has been committed to the Court of Sessions. One of the accused Alam was found involved in case FIR No. 446 dated 5.7.2014 under Section 379 IPC, Police Station Nuh and accused Rijwan S/o Yusuf was found to be to be involved in

FIR No.80 dated 17.2.2010 under Section 356, 379 IPC at Police Station Nuh. In the trial, six witnesses have been examined on 28.1.2015.

After going through reply filed by the respondents since the trial is now at the final stage of recording of evidence, no case for release of bail is made out.

In view of the above, present petition is dismissed.

January 30, 2015
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(**RITU BAHRI**)
JUDGE