

***IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH***

CRM No. M-14307 of 2015 (O&M)

Date of Decision: 08.05.2015.

Bhupinder @ Bhupi

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Siddarth Batra, Advocate for the petitioner.

Mr. M.S. Sidhu, Additional Advocate General, Haryana.

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TEJINDER SINGH DHINDSA.J.

The instant petition has been filed under Section 439 Cr.P.C. seeking the benefit of regular bail to the petitioner in case FIR No.246 dated 21.06.2014, under Sections 394/397 IPC and Sections 25/54/59 of the Arms Act, registered at Police Station City Rohtak, District Rohtak.

Counsel for the parties have been heard.

FIR in question was registered on the statement of Sant Lal Sehgal, who had stated that he was running a jewellery shop under the name Sehgal Jewellers at Railway road Rohtak and the occurrence is stated to have taken place on 20.06.2014. As per version of the complainant, late in the evening at about 9.15 P.M., when the shop was about to be closed, three young boys aged between 25-30 years had made a forcible entry into the shop and having been put to threat by use of a pistol as also of a knife, robbery had been committed and a number of jewellery items were taken away.

It so transpires that during the course of investigation, Ashish

@ Leela, Banarsi @ Kala and Manoj @ Manju were arrested and these three afore noticed persons suffered a disclosure statement and upon which the present petitioner has been implicated.

Present petitioner was arrested on 10.07.2014.

Learned State counsel would vehemently oppose the prayer made in the petition by submitting that a number of jewellery items in the nature of 6 gold rings, one gold chain and 12 gold earrings were recovered from the house of the petitioner and such items have been subsequently been identified by the complainant and stated to be the same as were looted on the date of occurrence i.e. on 20.06.2014.

Per contra, learned counsel appearing for the petitioner would advert to the deposition of the complainant himself as PW2, who has stated that he has seen all the accused persons in Court including the present petitioner and stated that these persons were not the ones who had looted the jewellery from his shop.

It has further been submitted that it is a case of planted recovery inasmuch as the recovery of the gold ornaments from the petitioner was not in the presence of the complainant, Sant Lal Sehgal. Even towards such assertion, the deposition of PW2 in cross examination conducted on 27.03.2015 has been referred.

Even though, learned State counsel would apprise the Court that the petitioner is involved in yet another case i.e. FIR No.269 dated 19.06.2014, under Sections 392/397/34 IPC as also under the Arms Act, registered at Police Station Sadar Rohtak but it has gone uncontroverted that the petitioner has been granted the benefit of bail in such case vide order dated 10.04.2015 passed by the learned Additional Sessions Judge,

Rohtak at Annexure P-6.

In the totality of circumstances and keeping in view the custody period already suffered by the petitioner, present petition is allowed.

Petitioner be enlarged on bail subject to the satisfaction of the trial Court.

It is clarified that the observations made in this order are confined only as regards considering the prayer of the petitioner for grant of bail and would have no bearing on the merits of the trial.

Disposed of.

08.05.2015

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**