

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-19336 of 2015 (O&M)
Date of Decision: 29.6.2015

Manoj & another

--Petitioners

Versus

State of Haryana

--Respondent

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

Present:- Mr. Manoj Makkar, Advocate for the petitioners.

Mr. Satish Saini, D.A.G., Haryana.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the instant petition filed under Section 439 Cr.P.C praying for grant of regular bail to the petitioners in case F.I.R. No.246 dated 21.6.2014 under Sections 394, 397 I.P.C and sections 25, 54, 59 of Arms Act, registered at Police Station, City Rohtak, District Rohtak.

Learned counsel for the parties have been heard.

F.I.R in question was registered on the statement of Sant Lal Sehgal, who had stated that he was running a jewellery shop under the name of Sehgal Jeweller at Railway Road, Rohtak and the occurrence is stated to have taken place on 20.6.2014. As per version of the complainant in the late hours 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, a robbery had been committed and a number of jewellery items were taken away.

Present petitioners were arrested on 30.6.2014.

Learned State counsel would oppose the prayer made in the petition by submitting that a number of jewellery items have been recovered from the present petitioners and the same have been identified by the complainant and stated to be the same as were looted on the date of occurrence i.e. 20.6.2014.

Per contra, learned counsel appearing for the petitioners would advert to the deposition of the complainant himself (PW-2) and who had stated that he has seen all the accused persons in the court including the present petitioners and had stated that these persons were not the ones, who had looted the jewellery from his shop.

Learned counsel for the petitioners has further raised a submission that it is a case of planted recovery inasmuch the recovery of the gold ornaments from the petitioners was not in the presence of the complainant Sant Lal Sehgal. Towards such assertion deposition of PW-2 in cross-examination conducted on 27.3.2015 has been referred to.

It has gone uncontroverted that the present petitioners are not involved in any other criminal proceedings. Furthermore, co-accused Bhupender @ Bhupi and Banarasi @ Kala have been granted benefit of regular bail in CRM Nos. M-14307 of 2015 and M-19019 of 2015 respectively.

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

Petitioners be enlarged on bail subject to satisfaction of Trial Court/Duty Magistrate, Rohtak.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

29.06.2015
lucky