

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

CRM-M-27801-2015

Date of decision: 04.09.2015

Parvej

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Inderjeet Singh, Advocate for the petitioner.
Mr. Gaurav Dhir, DAG, Haryana.

Rajan Gupta, J. (oral)

This is a petition under Section 439 Cr.P.C. seeking regular bail in a case registered against the petitioner under Sections 395/397 IPC read with Section 25 of the Arms Act at Police Station Jagadhri City, District Yamuna Nagar, vide FIR No.17 dated 9.1.2015.

Learned counsel for the petitioner has emphatically contended that petitioner is not connected with the crime in any case. There is no document to show that petitioner was at the scene of occurrence at the relevant time. According to him, a shoddy investigation was conducted. There was no clue as to whom 148 tyres allegedly recovered in the incident, belonged. Besides, he submits that there has been considerable delay in lodging the FIR. This apart, even special report was sent to the Ilaka Magistrate after four days. Under the circumstances, petitioner is entitled to concession of bail. He further submits that the truck involved in the crime was never recovered. The

petitioner has not been identified by the prosecution witnesses. Besides, petitioner has been granted bail in the cases registered in Uttar Pradesh.

Learned State counsel has opposed the prayer. According to him, complicity of the petitioner was found in the crime and recovery of one pistol and Rs.5000/- was effected from him. According to him, a thorough investigation was conducted in the case and only thereafter, petitioner was challaned by the investigating agency. Besides, petitioner made a disclosure statement with regard to commission of the offence. He is stated to be a habitual offender as he is involved in three more FIRs.

After hearing counsel for the parties, I am of the considered view that petitioner is not entitled to concession of bail. Offence was committed at 11.30 P.M. on the highway when there was dense fog. Certain persons going in a truck were intercepted. The accused entered in the cabin of the truck and inflicted injuries on them. Thereafter, they tied their hands with a rope and gagged their mouth. They took away the truck, mobile phones and money as also the tyres loaded in the truck. In this manner, this highway robbery was given effect to.

Keeping in view the serious nature of allegations and the punishment that would entail in case of conviction, I am of the considered view that petitioner is not entitled to concession of bail.

Dismissed.

(RAJAN GUPTA)
JUDGE

04.09.2015
'Rajpal'