

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No. 42943 of 2014.
Date of Decision : 20.03.2015.

Pardeep

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Kamal Sharma, Advocate for the petitioner.

Mr. Satish Saini, Deputy Advocate General, Haryana.

Tejinder Singh Dhindsa, J. (Oral)

This order shall dispose of the present petition filed under Section 439 Cr.P.C. seeking the benefit of regular bail to the petitioner in case FIR No. 134, dated 02.04.2014, under Sections 427, 395 IPC, registered at Police Station Safidon.

Learned counsel for the parties have been heard.

Perusal of the FIR would reveal that the same was registered on the statement of Shiv Kumar, who is stated to be working as salesman in Balaji Filling Station, Jaipur. The occurrence is stated to be of 31.03.2014 and as per version of the complainant, at about, 11/11.30 at night, 3-4 unidentified boys entered the office and started beating the complainant Shiv Kumar as also one Devender Kumar. ₹6,000/- was snatched as also two mobile phones. Damage was also inflicted upon the office property while taking the CCTV recording machine and one motorcycle bearing No. HR-11A/5062 was also taken away.

Investigation in the present case having been

completed, challan was presented on 01.08.2014.

The petitioner has been in custody since 27.05.2014.

Learned State counsel has, vehemently, opposed the present bail petition by contending that the petitioner is a habitual offender and was involved in 8 other criminal proceedings. Details of the same have been furnished in an affidavit of the Deputy Superintendent of Police, Safidon, which has been filed in Court today. As per affidavit, out of the 8 criminal cases against the petitioner, he has been acquitted in two matters.

It would be apposite to notice that insofar as the FIR No. 98 dated 23.3.2014 which finds a mention in such affidavit, the petitioner had approached this Court seeking regular bail by filing CRM-M No. 3280 of 2015 and which has been allowed on 27.02.2015 and the submissions of the counsel appearing for the petitioner have been noticed that old cases which have been remained unsolved by the police officials have been foisted upon the petitioner and as such false implication was being made.

Adverting back to the facts of the present case, even as per complainant's version, 3-4 unidentified boys who had assaulted the complainant as also one Devender, had not come with their faces muffled. On a pointed query having been put to learned State counsel as regards any identification parade having been held, the response has been in negative.

The trial in the present case is still at the initial stage inasmuch out of 18 prosecution witnesses cited, only 5 have been examined till date.

In the totality of circumstances, the petitioner is held entitled to the benefit of regular bail.

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

Disposed of.

March 20, 2015.
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(TEJINDER SINGH DHINDSA)
JUDGE