

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM NO. M-5906 of 2015
DECIDED ON : March 25, 2015

Vikash

...Petitioner

versus

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE JASPAL SINGH

Present : Mr. Sat Narain Yadav, Advocate
for the petitioner.

Mr. Vikramjit Singh, Addl. AG, Haryana.

JASPAL SINGH, J.

Instant petition has been preferred under Section 439 Cr.P.C. seeking regular bail to the petitioner in case bearing FIR No. 171 dated April 17, 2014 under Sections 395, 365, 342, 216-A IPC and 25 of Arms Act registered at Police Station Tauru, District Mewat.

2. Undoubtedly, name of petitioner did not figure in FIR. However, during investigation of this case, it revealed that truck No. MP-06E-6348 loaded with 313 mustard bags was handed over to petitioner. Thereafter, he unloaded mustard bags in a canter and sold in the market. Petitioner was nominated as an accused, in view of disclosure statement suffered by his co-accused. Thereafter, he was arrested and subjected to interrogation. During his custodial interrogation, he suffered disclosure statement that he has knowledge about the bags lying in the area of

Jhajjar and could get the same recovered which were subsequently got recovered by him in pursuance of his disclosure statement.

3. The contention of learned counsel for the petitioner is that there are no allegations against petitioner that he criminally participated for commission of offences under Sections 395, 365, 342, 216-A IPC and Section 25 of Arms Act. Moreover, he has been falsely implicated in this case just on the basis of disclosure statement of his co-accused and nothing was recovered from him. Police has falsely foisted the recovery of 313 mustard bags upon the petitioner. In fact, nothing was recovered from him.

4. It has further been contended by learned counsel for the petitioner that even during course of trial the star witnesses i.e. conductor and driver became hostile and has not identified the petitioner to be one of accused. The disposal of challan will take sufficient long time and petitioner is also ready to abide by all the terms and conditions imposed by this Court, in case he is granted the concession of bail.

5. This Court has given an anxious thought to the submissions made by learned counsel for the petitioner but finds the same to be of no legal substance.

6. From the facts and circumstances, that petitioner was nominated as an accused, arrested in this case, subjected to custodial interrogation, suffered disclosure statement and got recovered 313 bags as been fully narrated in para 1 of this order, his *criminis participos* is *prima facie* established. Apart from it, during the course of arguments, it revealed that there are as many as four other cases registered against

petitioner, which are almost of similar nature. By taking into consideration, serious and grave nature of offences complained of against him as well as fact that he is also involved some other cases , this Court does not find it a fit case to extend the bail.

7. Accordingly, instant petition stands dismissed.

March 25, 2015
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(JASPAL SINGH)
JUDGE