

Sr. No.229

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No.M-13431 of 2016 (O&M)

Date of Decision: 24.05.2016

Vikas Kumar

... Petitioner

Versus

State of Haryana

... Respondent

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

Present:- Mr. Rajnish Gupta, Advocate,
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

TEJINDER SINGH DHINDSA, J.(ORAL)

The instant petition has been filed under Section 439 Cr.P.C. seeking benefit of regular bail to the petitioner in case FIR No.274 dated 18.09.2015, under Sections 392/203/408/120-B of Indian Penal Code and Section 25/54/59 of Arms Act, registered at Police Station Purani Sabji Mandi, District Rohtak.

FIR in question came to be registered on the statement of the petitioner herein. As per statement recorded, petitioner had asserted that he was working as a Salesman with Greek India Fabric Company, Hisar for the last six months and used to go across the State of Haryana to collect payments. It was asserted that on 18.09.2015 also he had gone to Rohtak as also to other places and had made a collection of Rs.3.5 lac and while returning back to Hisar, he was accosted by two other persons and was robbed of the collection.

Based on such version, FIR came to be recorded.

On the same date i.e. 18.09.2015, even a statement of owner of the firm where the petitioner was working i.e. Ved Parkash was recorded and who affirmed the factual position as regards petitioner working as a Salesman and having been assigned the duty of making collections.

It so transpires that during the course of investigation, a supplementary statement of Ved Parkash came to be recorded on 20.09.2015 wherein a doubt was cast on the version set up by the present petitioner.

Thereafter the petitioner who was the complainant initially has been nominated as an accused by the prosecution on the basis of his own confessional statement recorded by the Investigating Agency on 21.09.2015 wherein he stated that he in connivance with Sanjay S/o Mahavir and Vijay S/o Bhim Singh they had shared the spoils.

Based on such confessional statement Sanjay and Vijay have also been nominated as accused.

Petitioner has faced incarceration since 23.09.2015.

Investigation in the case is complete, challan stands presented and even charges have been framed.

State counsel would inform the Court that out of 22 prosecution witnesses cited, none have been examined.

Trial as such would take time to conclude.

Admissibility in evidence of a confessional statement recorded of the present petitioner before the Investigating Agency would be a question to be considered by the trial Court.

Without making any observations on merits and keeping in view the length of incarceration already suffered, petitioner is held entitled

to the benefit of bail.

Petition is allowed. Petitioner be enlarged on bail subject to satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Rohtak.

Disposed of.

24.05.2016

vandana

(TEJINDER SINGH DHINDSA)
JUDGE