

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

**CRM-M No. 13679 of 2016 (O&M)
Date of Decision: 04.05.2016**

Sandeep alias Lal

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Vishal Nehra, Advocate
for the petitioner.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana
for the respondent/State assisted by SI Sri Mohan.

JASWANT SINGH, J. (ORAL)

Prayer in this petition under Section 439, Criminal Procedure Code, on behalf of petitioner/accused-Sandeep alias Lal is for grant of regular bail in case FIR No. 318, dated 14.07.2014, for offences punishable under Sections 392, 397, 120-B of the Indian Penal Code and Section 25 of the Arms Act, registered at Police Station Kharkhoda, District Sonapat.

As per the case of prosecution, complainant-Avdesb was carrying a sum of Rs. 11 lacs from his place of work at petrol pump to the bank for deposit and when he (complainant) was intercepted by two motor-cycle borne boys by stopping his Scooty, they (accused) on gun point snatched the aforesaid amount and fled away. On arrest of the accused-Manesh (conspirator) and his consequent disclosure statement, the names of petitioner-accused and co-accused-Ajay have surfaced.

It is contended that on the disclosure statement of the petitioner-accused, recovery of Rs. 50,000/- out of the loot and the gun used in the offence, are the only piece of evidence collected against the petitioner-accused. It is further contended that as per the prosecution,

co-accused-Ajay was driving motor-cycle, while the petitioner had on gun point snatched the amount of Rs. 11 lacs from Avdesh Kumar (complainant), whereas the complainant in his testimony has categorically refused to identify the petitioner as the perpetrator of the crime. It is next contended that the petitioner is in custody since 16.04.2015 and the evidence of only the official witnesses remains to be tendered, while co-accused-Ajya has been enlarged on bail vide order dated 06.04.2016, passed by this Court.

Learned State Counsel, assisted by SI Sri Mohan, is unable to refute the aforesaid factual situation. He also does not dispute the fact of grant of regular bail to the said co-accused-Ajay.

Without commenting on the merits of the case, keeping in view the facts noticed above; custody period of the petitioner and parity of treatment, the present petition is allowed and the petitioner is ordered to be released on bail subject to satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned.

May 04, 2016

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**(JASWANT SINGH)
JUDGE**