

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

**CRM-M No. 16390 of 2016 (O&M)
Date of Decision: 17.05.2016**

Gaurav alias Monu

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Sunil Saharan, Advocate
for the petitioner.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana
for the respondent/State assisted by ASI Harish Kumar.

JASWANT SINGH, J. (ORAL)

Prayer in this petition under Section 439 of Cr.P.C., is for grant of regular bail on behalf of the petitioner-accused-Gaurav alias Monu in case FIR No. 583, dated 07.07.2015, for the offences punishable under Sections 392, 397, 34 of the Indian Penal Code, registered at Police Station Civil Line, Hisar, District Hisar.

As per the eye-witness account of complainant-Mauajjam, on 06.07.2015 at around 5.30 p.m., he and his cousin brother, namely, Jabbar, were travelling from their village from UP to Bikaner in their Swift Car and when they reached at Hisar at about 1.30 a.m. on the intervening night on 06-07/07/2015, they were robbed by two unknown persons of their car and the belongings in the car.

The name of petitioner-accused alongwith co-accused-Kamal has surfaced during the investigations, on their disclosure statement while under arrest in a separate FIR.

It is contended that except the confessional statement of the petitioner made before the police, which is inadmissible in evidence, there is absolutely no other incriminating material collected by the Investigating Agency against the petitioner. He further submits that even the complainant and the eye-witness-Jabbar have not recognized the petitioner-accused, as to be involved in the said crime. It is also submitted that since the petitioner is involved in other cases, a false case has been foisted upon the petitioner. Hence, it is prayed that the petitioner is entitled for bail as he is in custody since 24.07.2015.

Learned State Counsel, assisted by ASI Harish Kumar is unable to refute the contention regarding the incriminating material against the petitioner, as also the custody period, however, he submits that the petitioner is involved in five other cases of similar nature.

Without commenting on the merits of the case, keeping in view the facts noticed above; custody period of the petitioner and no incriminating material collected against the petitioner, no useful purpose would be served by keeping the petitioner/accused in custody, 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 17, 2016

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**(JASWANT SINGH)
JUDGE**