

Sr. No.240

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No.M-17849 of 2016 (O&M)

Date of Decision: 26.05.2016

Jitender alias Jitu

... Petitioner

Versus

State of Haryana

... Respondent

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

Present:- Mr. Sunil K. Nehra, Advocate,
for the petitioner.

Mr. A.S.Chaudhary, Additional A.G., Haryana.

TEJINDER SINGH DHINDSA, J.(ORAL)

Petitioner seeks benefit of regular bail pending trial in case FIR No.516 dated 05.07.2015, under Sections 392, 394, 397, 120-B of Indian Penal Code and Section 25 of Arms Act, registered at Police Station City Yamuna Nagar.

Counsel for the parties have been heard.

FIR came to be registered on the statement of Anil Pal in relation to an occurrence that took place in the late evening hours of 05.07.2015. Complainant stated that he was running a cloth shop and after closing the shop when he was proceeding home carrying a bag containing cash then one unknown assailant tried to snatch the bag and which he did not let go. Thereafter, two more boys also made an attempt to snatch the bag. One of the three assailants is stated to have hit the complainant with a butt of a country made pistol on his head and the second boy fired in the air also from a country made pistol and the third boy then gave a *Khukhri* blow

which landed on the right hand of the complainant. The three assailants are stated to have fled away after snatching the bag which was alleged to be containing Rs.20,000/- cash, an ATM card of HDFC Bank as also a driving licence.

It was a blind FIR and in which the assailants were not named.

During the course of investigation, the police picked up one Shivam.

The present petitioner was arrested on 31.12.2015 having been implicated on the disclosure statement of said Shivam.

Even though the complainant had set up a version of being assaulted and the cash bag having been snatched by three unknown assailants yet the investigating agency has nominated four persons as accused including the present petitioner.

Investigation in the case is complete and even challan stands presented.

Learned State counsel has opposed the present petition by stating that one country made pistol, Rs.500/-, one live cartridge as also one motorcycle allegedly used in the occurrence have been recovered from the present petitioner.

However, counsel appearing for the petitioner has, during the course of hearing, adverted to the deposition of the complainant Anil Pal who has been examined before the trial Court as PW-2 and who even though has reiterated his initial version insofar as the occurrence having been taken place but has clearly stated that the persons present in Court are not the ones who had snatched the bag.

In other words, the complainant himself has not supported the

prosecution version insofar as the complicity of the present petitioner in the offence.

In view of the above and coupled with the length of incarceration already suffered by the petitioner, he 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, Yamuna Nagar.

Disposed of.

26.05.2016

vandana

(TEJINDER SINGH DHINDSA)
JUDGE