

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

(213)

CRM-M-33896-2016

Decided on: October 24, 2016.

Jitender

.... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

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

Mr. Gurdas Singh Salwara, DAG, Haryana.

M.M.S. BEDI, J (ORAL)

Petitioner seeks concession of regular bail in a case registered at the instance of Phool Singh alleging that on 12.05.2016 when the complainant alighted from his Scorpio vehicle with bag containing cash of Rs.5,60,000/- then four persons came on two motorcycles and gave beatings to the complainant and snatched his bag before escaping. The public had caught two boys on motorcycle. They were given beatings leading to disclosure of their names as petitioner and Sanjay and two boys who allegedly escaped were Akhilesh and Sarwan Kumar.

Learned counsel for the petitioner has vehemently contended that the petitioner, as per the story of prosecution, had been arrested from the spot but recovery is stated to have been effected on the basis of disclosure statement recorded on the following day. He has further submitted that recovery of Rs.5,60,000/- from the petitioner is apparently concoction by the investigating agency. On the basis of patent illegality in the recovery aspect, story of the prosecution is apparently false and the petitioner deserves to be granted concession of bail.

I have heard learned counsel for the petitioner and I am of the opinion that the petitioner having been arrested on the spot after having snatched the bag containing cash of Rs.5,60,000/-, chances of his false implication at this moment, appear to be remote. No enmity of the prosecution agency qua the petitioner can be attributed. The debatable issue regarding recovery of Rs.5,60,000/- as per the story of prosecution cannot be considered at this stage.

No ground is made out to grant concession of bail to the petitioner.

Learned counsel for the petitioner at this stage seeks permission to withdraw the petition with liberty to file fresh after making a reference to the statement of Phool Singh who is stated to have been examined by the trial Court during pendency of this petition.

Dismissed as withdrawn with the abovesaid liberty.

(M.M.S. BEDI)
JUDGE

October 24, 2016

harsha

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No