

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

**Criminal Misc. No. M-37223 of 2016
Date of Decision:-25.10.2016**

Ankush

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Lakshay Bajaj, Advocate for
Mr. Harkesh Manuja, Advocate
for the petitioner.

Mr. Manish Bansal, Deputy A.G., Haryana.

HARI PAL VERMA J.

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner pending trial in case FIR No.54 dated 14.1.2016, under Sections 323, 459, 392, 397 and 34 IPC, registered at Police Station Chandni Bagh, Panipat.

The allegation against the petitioner is that petitioner along with other accused entered into the room of the complainant and put one bed sheet on her mouth. The complainant struggled and gave bite at the

hand of one of the accused. Accused gave a *Hathoda* blow on her head and thereafter she became unconscious. After half an hour she regained consciousness and noticed that her three mobile phones and watch were missing. The complainant checked the store adjacent to the kitchen wherein two iron almirahs were lying and in one almirah key was hanging. From its key second almirah was found to be opened and when she checked the almirah, two gold chains (one of gents and one of ladies) from the black coloured purse and from second brown coloured purse, one gold set, two ladies rings and one artificial set of Nags were found missing. Ten bundles of 10-10 rupees currency notes lying in the locker of almirah were also found to be missing.

Learned counsel for the petitioner has argued that the investigation in the case is complete. Petitioner is a young person of about 22 years of age and is in custody since 24.1.2016. He states that the trial in the case will take a long time. He further states that the occurrence had taken place on 13.1.2016 at 11.30 PM whereas the present case was registered on 14.1.2016 at 11:58 AM i.e. after a delay of more than 12 hours. He also submits that the complainant has not identified the petitioner in the Court.

I have heard learned counsel for the petitioner.

The allegations against the petitioner are serious. The plea that he was not identified by the complainant in the Court cannot be accepted as the accused persons when entered into the house of the complainant and tried to loot her, they have put a bed sheet on her mouth. Therefore, this

plea is not acceptable at this stage.

Hence, taking into consideration the nature of offence committed by the petitioner, no case for grant of bail is made out.

Dismissed.

The observation made herein above shall not construed any expression on the merits of the case and the trial Court shall decide the case on the basis of available evidence on record.

October 25, 2016
Vijay Asija

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No