

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-41268 of 2015 (O&M)

Date of Decision: 15.01.2016

Naveen

--Petitioner

Versus

State of Haryana

--Respondent

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

Present:- Mr. Sunil Panwar, Advocate for the petitioner.

Mr. Deepak K. Grewal, D.A.G., Haryana.

TEJINDER SINGH DHINDSA.J

Petitioner seeks the benefit of regular bail in case F.I.R. No.310 dated 23.11.2014 under sections 392, 397 and 34 I.P.C read with section 25 of Arms Act, registered at Police Station, Bhondsi, District Gurgaon.

Learned counsel for the parties have been heard.

F.I.R was registered on the statement of Manoj Kumar, who was stated to be employed as a Munshi with a store dealing in building materials. Occurrence is alleged to be of intervening night of 22/23.11.2014. Complainant has alleged that while he along with three other colleagues were sleeping, they were accosted by three boys, whose names and addresses were not known. On the threat of a country made pistol, theft of Rs.32000/- and one mobile phone has been committed.

It is a case where no assailant has been named.

It so transpires that during the course of investigation in some other matter, one Ravinder was picked up and in his disclosure statement he has named Ankit as also the present petitioner Naveen. Based on such disclosure statement the present petitioner was arrested on 16.3.2015. Apart from the disclosure statement of Ravinder, co-accused, there is no other

admissible evidence that the learned State counsel could refer to in the present case.

Counsel would even advert to the deposition of PW-6 Manoj Kumar, who has stated in the following terms:-

“It is incorrect that the accused persons namely Ravinder, Naveen and Ankit present in the court are the assailants who had robbed cash from me or that they are the assailants who had taken away the mobile of Ramesh on 23.11.2014.”

Without making any observations on merits, present petition is allowed. Petitioner be enlarged on bail subject to satisfaction of C.J.M./Duty Magistrate, Gurgaon.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

15.01.2016
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