

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-41476 of 2015 (O&M)
Date of Decision: 25.04.2016

Balbir Singh

--Petitioner

Versus

State of Haryana

--Respondent

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

Present:- Mr. L.S. Sidhu, Advocate for the petitioner.

Mr. Vivek Saini, D.A.G., Haryana.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 438 Cr.P.C praying for the grant of anticipatory bail to the petitioner in case F.I.R. No.62 dated 13.7.2014 under sections 395, 397, 384, 412, 201, 120-B I.P.C and sections 25, 54 of Arms Act, registered at Police Station, Mansa Devi Complex, District Panchkula.

Briefly, it may be noticed that F.I.R was got registered against six unidentified persons. Allegations revealed that on 13.7.2014, five unidentified persons entered the shop of Rajat Jewelers, Mansa Devi Complex, Panchkula and committed dacoity of gold, silver and diamond jewelry while one person was waiting outside in a car. Further allegations are that during the course of committing the dacoity injuries were also inflicted upon the owner of the shop namely Aashi Khanna.

On 1.2.2016, this Court had taken note of the fact that the present petitioner had been sought to be implicated only on the basis of a disclosure statement of a co-accused. Accordingly, the following order was passed by this Court on 1.2.2016:-

“Counsel would submit that the present petitioner is sought to be implicated only on the basis of a disclosure statement of the co-accused.

List on 25.4.2016.

In the meanwhile, petitioner is directed to join investigation and to appear before the I.O on 9.2.2016.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438 (2) Cr.P.C.”

Learned State counsel upon instructions from ASI Mohan Lal would apprise the Court that the petitioner has since joined investigation.

It has also gone uncontroverted that even as per disclosure statement of co-accused the present petitioner was not a member of the initial six assailants who had committed the alleged dacoity but the role attributed is that he had been entrusted with 40 tolas of gold for the purpose of molding/purification.

Without making any observations on merits and coupled with the fact that the petitioner has already joined investigation, prayer made in the present petition is accepted.

Accordingly, the present petition is allowed. The order dated 1.2.2016, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

25.04.2016
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