

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM No.M-42039 of 2015 (O&M)
Date of decision:05.01.2016

Aatish

... Petitioner

Vs.

State of Haryana

... Respondent

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

Present: Mr. S.S. Kharb, Advocate for the petitioner.
Ms. Dimple Jain, AAG, Haryana.
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TEJINDER SINGH DHINDSA, J.

This order shall dispose of the present petition filed under Section 439 Cr.P.C. seeking the concession of regular bail to the petitioner in case FIR No.402 dated 25.04.2015, under Sections 392/34 IPC, registered at Police Station Chandni Bagh Panipat, District Panipat.

FIR in question was registered on the complaint of Parshant Batra S/o Ram Parkash. Allegations were that on the night of 25.04.2015, the complainant along with his father was proceeding to his residence on an activa scooter and three unknown boys accosted them and snatched Rs.50,000/- and two mobile phones.

The present petitioner has been implicated on the basis of a disclosure statement of co-accused Monu. Alleged recovery of Rs.7000/- is stated to have been made.

It has gone uncontroverted that during the course of trial, the complainant, namely, Parshant Batra as also his father Ram Parkash have been examined and have not supported the prosecution version.

Learned State counsel has opposed the prayer for bail by submitting that the petitioner is a habitual offender and is involved in three other cases i.e. FIR No.317 dated 25/04/2015, under Sections 398/401 IPC

and 25 of the Arms Act, registered at Police Station Model Town Panipat, FIR No.357 dated 22.05.2012, under Sections 356/379 IPC, registered at Police Station Model Town Panipat and FIR No.315 dated 27.04.2012 under Sections 379/356 IPC, registered at Police Station Model Town Panipat. Be that as it may, it stands conceded that in each of the aforenoticed FIRs, the petitioner is already on bail.

Petitioner has been in custody since 27.06.2015.

In the totality of circumstances and keeping in view the length of incarceration already suffered by the petitioner, petition is allowed. Petitioner be enlarged on bail subject to the satisfaction of CJM/Duty Magistrate, Panipat.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

05.01.2016
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