

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-43864 of 2015 (O&M)
Date of Decision: 10.02.2016

Sandeep @ Monu

--Petitioner

Versus

State of Haryana

--Respondent

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

Present:- Mr. Saurabh Dalal, 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 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case F.I.R. No.288 dated 6.12.2014 under sections 186, 353, 307, 420, 216, 34 I.P.C and sections 25, 54, 59 of Arms Act, registered at Police Station, Beri, District Jhajjar.

Learned counsel for the parties have been heard.

As per prosecution version, a secret information was received with regard to a known criminal namely Dhaula Sarpanch, who would be going in a vehicle towards Barahna upon which a fake registration has been affixed. As per secret information huge quantity of illegal weapons could also be recovered. Allegations are that a Safari vehicle bearing registration no. DL1F-DX-6957 was seen coming from Sampla side, same was being driven by a young person and the other person sitting beside him was identified as brother of Dhaula Sarpanch namely Kala. Certain persons were stated to be sitting on the rear side who could not be identified. Allegations are also that police party tried to stop the vehicle but the driver with an intention to kill turned the vehicle towards the police party and tried

to run over the police party. The vehicle having fled away was chased and after some time it was found parked in front of the house of Dhaula Sarpanch and the occupants were seen running away. From the house of Dhaula Sarpanch heavy recovery of arms and ammunitions is stated to have been effected.

Petitioner has been in custody since 22.4.2015. It is not even the case of the prosecution that the present petitioner was the driver of the vehicle. Furthermore, it has gone uncontroverted that none of the officials of the police party had received any injuries. Even the person accompanying the driver and who had been duly recognized was Kala i.e. brother of Dhaula Sarpanch.

In so far as the present F.I.R is concerned, there is no direct allegation against the present petitioner.

Learned State counsel would vehemently oppose the present petition by stating that the petitioner is a member of the Dhaula Sarpanch Gang and F.I.R No.83 dated 7.4.2015 has been registered at Police Station, Beri and in which there are allegations against the accused including the present petitioner had helped to manage Dhaula Sarpanch escape from the police custody.

In the present case trial is still at the very initial stage. The petitioner has already suffered custody in excess of 9 months.

In an overview of the matter, petitioner is held entitled to the benefit of bail. Accordingly, the present petition is allowed. Petitioner be enlarged on bail subject to satisfaction of C.J.M./Duty Magistrate, Jhajjar.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

10.02.2016