

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

***CRM No.M-43982 of 2015 (O&M)
Date of Decision: 16.02.2016***

Iqbal @ Bablu

... Petitioner

Versus

State of Haryana

... Respondent

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

Present:- Mr. Amardeep Sheoran, Advocate for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

....

TEJINDER SINGH DHINDSA.J.

Petitioner seeks benefit of regular bail pending trial in case FIR No.162 dated 12.09.2012, under Sections 395/397 IPC, registered at Police Station Kasola, District Rewari.

Prosecution version is that on 12.09.2012, complainant Jaswant Singh along with driver Sampat Ram Meena were on a truck bearing registration No. RJ-23-GA-6205 and were returning from Delhi after unloading certain goods and they were intercepted by a scorio. 7/8 persons came down from the scorio and out of which 3 entered in the cabin of the truck from the driver side. Complainant Jaswant Singh as well as companion Sampat Ram were forcibly put in the scorio. Thereafter complainant as also Sampat Ram were thrown at a secluded place. A sum of Rs.42,000/- was snatched from the complainant, one mobile phone was taken from Sampat Ram and the truck in question was also taken away.

Insofar as as the present petitioner is concerned, he was not even named in the FIR.

Perusal of the order dated 12.08.2015 passed by the learned

Additional Sessions Judge, Rewari declining the benefit of regular bail to the petitioner would show that it contains observations that name of the petitioner figured in the disclosure statements of co-accused, Arif and Asik.

Counsel appearing for the petitioner has referred to the disclosure statements of the aforementioned two persons and placed on record at Annexures P-5 and P-6. Such disclosure statements do not mention the name of the petitioner.

Learned State counsel upon instructions from ASI Subhash Chander would further clarify that name of the present petitioner had surfaced in the disclosure statement of one Muchkat @ Rashid. Prosecution case at best is implication of the petitioner on the basis of disclosure statement of co-accused.

Even the scorio vehicle used in the alleged occurrence is not stated to be in the ownership of the present petitioner but it has been stated that the same was also a stolen vehicle and allegations pertaining to that are against Ammu, co-accused.

Furthermore, in the present case even though challan has been presented but the charges are yet to be framed. The trial as such is at the very initial stage.

In view of the peculiar circumstances noticed hereinabove, the petitioner is held entitled to the benefit of bail.

Petition is allowed. Petitioner be enlarged on bail subject to the satisfaction of the CJM/Duty Magistrate, Rewari.

Disposed of.

16.02.2016

harjeet

(TEJINDER SINGH DHINDSA)
JUDGE