

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

***CRM No.M-5968 of 2016 (O&M)
Date of Decision: 27.02.2016***

Sanjay Maratha @ Kaka

... Petitioner

Versus

State of Haryana

... Respondent

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

Present:- Ms. Alisa Soni, Advocate for the petitioner.

Mr. Vivek Saini, DAG, Haryana.

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TEJINDER SINGH DHINDSA.J.

Petitioner seeks benefit of regular bail pending trial in case FIR No.62 dated 13.07.2014, under Sections 395/397/384/412/201/120-B IPC and Section 25(54) of the Arms Act, registered at Police Station Mansa Devi Complex, District Panchkula.

Counsel for the parties have been heard.

Perusal of the FIR would reveal that the allegations are pertaining to a dacoity having been committed on 13.07.2014 at the shop of Rajat Jewellers situated at Mansa Devi Complex, Panchkula. The complainant has alleged that five unknown persons had entered the shop and had decamped with gold, silver and diamond jewellery and the sixth person stated to be an accomplice was waiting outside the car. Accusations are also with regard to having inflicted injuries on the owner of the shop/complainant, namely, Aashi Khanna.

It has gone uncontroverted that after completion of investigation, the initial challan was presented on 17.06.2015 in which nine persons were nominated as accused but the name of the present petitioner did not figure.

Learned State counsel upon instructions from ASI Mohan Lal, Investigating Officer of this case would state that the present petitioner has been implicated thereafter on the disclosure statements of co-accused, Ranpreet Singh son of Ranjot Singh and Harvinder Singh son of Chinder Singh. It is submitted that a supplementary challan against the petitioner has been presented on 20.01.2016.

It has been conceded during the course of arguments that even as per disclosure statements of Ranpreet Singh and Harvinder Singh, some of the gold ornaments had been given to the present petitioner to mold the same into pure gold and the same was thereafter taken back by one Balbir Singh who is also in the process of being nominated as an accused and yet another supplementary challan is to be presented.

Be that as it may, it is not the allegation against the present petitioner that he was part of the gang that had committed the dacoity on the date of alleged occurrence i.e. on 13.07.2014.

Insofar as the present petitioner is concerned, the challan already stands presented. He has been in custody since 18.10.2015.

Without making any observations on merits, the petitioner is held entitled to the benefit of bail.

Accordingly, the present petition is allowed. Petitioner be enlarged on bail subject to satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Panchkula.

Disposed of.

27.02.2016
harjeet

(TEJINDER SINGH DHINDSA)
JUDGE