

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-8204 of 2016 (O&M)
Date of Decision: 11.3.2016

Rakesh @ Gurdayal & another

--Petitioners

Versus

State of Haryana

--Respondent

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

Present:- Mr. T.S. Sangha, Sr. Advocate with
Mr. H.S. Sangha, Advocate for the petitioner.

Mr. Deepak K. Grewal, 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 petitioners in case F.I.R. No.714 dated 3.9.2015 under sections 394, 395 I.P.C, registered at Police Station, Camp Palwal, District Palwal.

Learned counsel for the parties have been heard.

F.I.R was registered on the statement of Hans Raj. The alleged occurrence is stated to be of 2.9.2015 during the late night hours. Complainant had alleged that after closing his shop he was returning back when he was accosted by Deshu, Ankush, Guddu, Ravi and the present two petitioners along with 4/5 more persons. Complainant stated that he was carrying cash of Rs.55,000/60,000/- in his pocket which was the collection from the shop. Assailants stopped him and having given a knife blow snatched away the money.

During the course of arguments it has gone uncontroverted that separate challan was presented qua co-accused Dinesh @ Deshu, Ankush and Gaurav @ Guddu and in the trial that ensued the afore noticed three accused have been acquitted vide judgement dated 2.2.2016.

Learned senior counsel has even adverted to the deposition of the complainant Hans Raj as PW-4 during the course of trial and wherein in the cross-examination he specifically stated as follows:-

“It is wrong to suggest that Deshu, Ankush, Guddu, Gurdial, Ravi and Chinu were standing in the way near the house of Munna and they confined me and assaulted me.”

In so far as the present two petitioners are concerned, they were arrested on 18.12.2015 and 8.1.2016 respectively.

As per deposition of complainant as PW-4 in the trial that has already concluded, he has already stated that the present petitioners had not confined or assaulted him.

Under such circumstances, this Court is of the considered view that the petitioners are entitled to the benefit of bail.

Accordingly, the present petition is allowed. Petitioners be enlarged on bail subject to satisfaction of C.J.M./Duty Magistrate, Palwal.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

11.3.2016
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