

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

**CRM-M No. 9026 of 2016 (O&M)
Date of Decision: 06.04.2016**

Ajay

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Bijender Dhankhar, Advocate
for the petitioner.

Mr. Yashwinder Singh, Deputy Advocate General, Haryana
for the respondent/State assisted by SI Baljeet Singh.

JASWANT SINGH, J. (ORAL)

Prayer in this petition under Section 439, Criminal Procedure Code, on behalf of accused/petitioner-Ajay is for grant of regular bail in case FIR No. 318, dated 14.07.2014, for offences punishable under Sections 392, 397, 120-B of the Indian Penal Code and Section 25 of the Arms Act, registered at Police Station Kharkhoda, District Sonapat.

As per the case of prosecution, complainant-Avdesb was carrying a sum of Rs. 11 lacs from his place of work at petrol pump to the bank for deposit and when he (complainant) was intercepted by two motor-cycle born boys by stopping his Scooty, they (accused) on gun point snatched the aforesaid amount and fled away. On arrest of the accused-Manesh and his consequent disclosure statement, the name of present petitioner has surfaced.

It is contended that only evidence collected by the prosecution showing the complicity of the petitioner is the alleged recovery of looted amount of Rs. 50,000/-, as the recovery of gun and

motor cycle used in the offence have been got recovered from the co-accused/non-applicants Manesh and Sandeep. By referring to the deposition of the complainant-Avdesb Kumar, it is submitted that he has categorically stated that the petitioner/accused was not the person who had looted him, thus, it is contended that the aforesaid alleged recovery alone is not sufficient to show the complicity of the petitioner in the offence. The petitioner is stated to be in custody since 16.04.2015 and the evidence of only the official witnesses is stated to have remained.

Learned State Counsel, assisted by SI Baljeet Singh, does not refute the factual aspect of the case.

Without commenting on the merits of the case, keeping in view the facts noticed above and custody period of the petitioner, this Court finds that petitioner/accused deserves the concession of regular bail and as such he is ordered to be released on bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned.

Disposed of.

April 06, 2016

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**(JASWANT SINGH)
JUDGE**