

Sr. No.225

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No. M-9037 of 2016 (O&M)
Date of Decision: 31.03.2016

Harwinder Singh @ Bikar

..Petitioner

Versus

State of Haryana

...Respondent

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

Present:- Mr. Abinashi Singh, Advocate,
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

TEJINDER SINGH DHINDSA. J (ORAL)

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 of Indian Penal Code and Sections 25/54/59 of 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 in a 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 initially the challan was presented on 13.06.2015 and a supplementary challan has been presented on 20.01.2016.

Present petitioner is sought to be implicated on the basis of disclosure statements of five co-accused who have stated that they sold part of the loot to the petitioner. Recovery of 900 grams of gold is also stated to have been effected from the present petitioner. Role assigned to the petitioner as per disclosure statements of co-accused is that he had facilitated in molding the ornaments/loot into pure gold and thereafter had made an attempt to sell the same.

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.

Petitioner has been in custody since 28.04.2015. Co-accused, namely, Sanjay Maratha @ Kaka and against whom broadly there were similar allegations has been granted benefit of regular bail by this Court in the light of order dated 27.02.2016 in CRM No.M-5968 of 2016.

State counsel upon instructions from SI Bani Singh would apprise the Court that charges have been framed on 17.03.2016 and out of 45 prosecution witnesses cited, none has been examined till date.

The trial as such would take time to conclude.

In an overview of the matter and without making any observations on merits, petitioner is held entitled to the benefit of bail.

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

Disposed of.

31.03.2016

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**