

**Sr. No. 227
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM No. M- 9734 of 2016
Date of Decision: 31.03.2016**

Chanchal

..Petitioner

Versus

State of Haryana

...Respondent

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

Present:- Ms. Sukhpreet Kaur, 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.570 dated 02.12.2015, under Sections 392/34 of Indian Penal Code, registered at Police Station Shahbad, District Kurukshetra.

FIR was registered on the statement of Mohamad Hussain. Allegations are that while the complainant who worked as a truck driver was going from Roorkee to Jammu Shamba in a truck bearing registration No.UP-15-CT-1605 on 02.12.2015 and stopped at Markanda Bridge Shahbad for having tea, he as also his conductor were approached by two unnamed boys on the pretext of selling bed-sheets/blankets. Complainant alleged that he had agreed to purchase the blanket from two boys for a sum of Rs.400/- and when he was about to give money from his pocket then one of the boys gave him a push and snatched money forcibly from his hand. Further allegation is that the complainant had a total sum of Rs.20,000/- cash

and which was taken away by the two unnamed boys and who fled away on a motorcycle.

Petitioner was not apprehended on the spot. He was arrested subsequently on 30.12.2015.

It may be pertinent to notice that even as per version of the complainant there are no allegation of having put him in the fear of instant death or of wrongful restraint. Submission raised is that offence under Section 392 IPC as such would not be made out.

Investigation in the present case is complete and the challan stands presented on 16.03.2016.

State counsel would oppose the present petition by contending that a recovery of Rs.2000/- has been effected from the present petitioner and even in the test identification parade, the complainant has identified the present petitioner. State counsel further submits that the petitioner is involved in one more case in which there are similar allegations.

In the considered view of the Court, investigation having already been completed and challan having been presented and coupled with the length of incarceration already suffered, petitioner is entitled to the benefit of bail.

Without making any observations on merits, petition is allowed. Petitioner be enlarged on bail subject to satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Kurukshetra.

Disposed of.

31.03.2016

vandana

(TEJINDER SINGH DHINDSA)
JUDGE