

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

CRM-M-23813 of 2017

Date of decision: 13.7.2017

Vinod

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr. Deepak Vashishth, Advocate
for the petitioner.

Mr.Gaurav Bansal, AAG, Haryana.

H.S. MADAAN, J.

This petition for regular bail has been filed by Vinod –
accused in FIR No.1084 dated 26.11.2016 for offences under Sections
379-A, 392, 34 IPC registered with Police Station City, Jind, District Jind.

Briefly stated, the prosecution story is that on 17.11.2016,
when complainant Vikas, a permanent resident of village and Post office
Dhathrath, Tehsil Pillukhera, District Jind, running fast food restaurant at
HUDA Market near Kharab Hospital, Jind was going on his scooty
carrying a bag having cash amount of Rs.7 lacs and he reached near
residence of S.P., then accused Sonu and Vinod known to such
complainant earlier, were there in a Bolero car having registration

No.HR20-AA-3940. Accused Vinod was on driver seat, whereas accused Sonu was on conductor seat. They stopped the complainant and forcibly snatched his bag having amount of Rs.7 lacs and then fled from the spot in their Bolero car. Accused Vinod is stated to have a criminal background with several theft cases pending against him. The complainant reported the matter to SHO Police Station Civil Lines, Jind by submitting a written complaint dated 26.11.2016 on the basis of which formal FIR was registered. Accused Vinod was arrested in this case on 23.4.2017 and some recovery was effected from him on 25.4.2017.

Notice of the petition was given to respondent – State and counsel representing the State puts in appearance.

Learned counsel for the petitioner has contended that there is delay of about nine days in lodging the FIR, the place of incident is stated to be near residence of SP, Jind, as such it is improbable that the snatching would have been done there and that the story set up by the prosecution is false. He prays that the instant petition be accepted and the petitioner be released on regular bail.

Learned State counsel submits that the challan against the petitioner – accused has since been filed in the Court and that keeping in view the past criminal record of the petitioner, there is every possibility of his absconding and committing further crime, if released on bail, as such this petition be dismissed.

I have given a thoughtful consideration to the rival contentions besides going through the record.

The petitioner – accused is specifically named in the FIR.

According to complainant, petitioner – accused was known to him earlier. Thus, there could not be any possibility of any doubt regarding identity of the accused. Accused was arrested in this case and some recovery is said to have been effected from him. Keeping in view the alarming increase in the number of cases of snatching and theft, such type of incidents are to be taken with all seriousness and firmness. The challan against the accused has been filed and trial is pending against him. At the time of deciding petition for bail, the allegations as those are contained in the FIR and as the story comes out during investigation are to be seen. The other points like delay in lodging the FIR; the improbability of incident having taken place near residence of SP, Jind and credibility of prosecution version are the factors which are to be considered during the trial and not at this stage. If the petitioner is found to be innocent, he would be acquitted but then no ground for grant of regular bail to him is there.

In view of the above discussion, the present petition stands dismissed.

13.7.2017
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No