

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-32216 of 2017

Date of Decision: 17.11.2017

Pardeep

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Shashi Kumar Yadav, Advocate
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

HARI PAL VERMA, J.

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.104 dated 06.03.2017 under Sections 394, 397 IPC and Section 25 Arms Act (added later on) registered at Police Station Sector 31, District Faridabad.

As per the FIR, on 06.03.2017 at about 2-30 a.m. when the complainant namely Rishi was sleeping in the godown, his door was knocked at. The complainant and his helper Parmod woke up. While unlocking the door, he noticed a person having weapon like country made pistol. The said person put his weapon on the temple of the complainant. There were three more persons behind this person

covering their faces with handkerchiefs. One of the accused was having a knife whereas all other persons were having country-made pistols. Two labourers namely Ram Bihari and Lal were also awakened by these persons. The accused pushed the complainant and all other persons inside the cabin and snatched their mobile phones. The number of mobile phone of the complainant was 9582463792 whereas the mobile number of Ram Bihari was 91718664394. The mobile phones of other persons were broken and thrown by the accused there itself. They broke open the lockers of both the almirahs and took away Rs.1,10,000/-. They also broke the LCD with iron rod and gave slaps and punches to the complainant and others.

Learned counsel for the petitioner has argued that the FIR in question was lodged against unknown persons and name of the petitioner is not mentioned in the FIR. He has further argued that even the *Farad Bramadgi* has not been signed by the petitioner, rather by accused Kapil and therefore, the petitioner has falsely been implicated in the case. He has further submitted that the other prosecution witness Ram Bihari and Vineet have been given up, presumably for the reason that they are not supporting the case of the prosecution. Once the petitioner has not been identified, there is no reason to disbelieve the fact that the petitioner has falsely been implicated. The petitioner has been named as an accused solely on the basis of disclosure statement of co-accused and therefore, considering

the fact that the petitioner is behind bars since 11.5.2017 and trial in the case shall take long time, he be released on regular bail.

On the other hand, learned State counsel has argued that apart from the fact that the petitioner along with co-accused has entered the premises during the night time, the prosecution witness Rishi, at whose behest the present FIR has been registered, has specifically stated that the accused persons were having knives, country-made pistols with them and they snatched their mobile phones and looted Rs.1,10,000/-. They also gave beatings to them and had broken the LCD.

I have heard learned counsel for the parties.

The allegations against the petitioner are serious in nature, inasmuch as the offence has been committed in the night at 2-30 a.m. and the accused have taken away Rs.1,10,000/- from the complainant and apart from snatching the mobile phones of the complainant and other victims, they have also broken their mobile phones and thus, deprived them from making any phone call. Therefore, it being a midnight incident and the offence being serious in nature, no ground for grant of regular bail is made out.

Dismissed.

November 17, 2017
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No