

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-31297-2018

Date of decision: 31.07.2018

Anil Kumar @ Vinod

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Manish Soni, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.101 dated 31.03.2018 under Sections 341, 395, 397, 412 IPC and Sections 25/54/59 of Arms Act, registered at Police Station Khaidki Daula, Gurugram, District Gurugram.

Learned counsel for the petitioner submits that the petitioner is in judicial custody since 22.04.2018 and as per version given in the FIR, five persons, who were sitting in a white colour car, stopped canter of the complainant, in which he was carrying goods of Amazon company and at gun point, they have robbed the boxes and bags from the complainant. Counsel for the petitioner further submits that at the first instance, the police has arrested five accused persons and on the basis of disclosure statement made by one Sanjay that he has sold two mobile phones to co-accused Sandeep and one to the petitioner, he was nominated in the FIR. It is further submitted that

thereafter, the second disclosure statement of all the five accused persons was recorded, in which it is stated that they have sold all the 10 mobile phones for Rs.80,000/- to co-accused Sandeep and the petitioner, which were later on recovered. It is also submitted that in fact, the petitioner is running a mobile phones shop and is not involved in any other case.

Learned State counsel, on instructions from ASI Sanjeev Kumar, has opposed the prayer for bail on the ground that the petitioner is involved in three more FIRs of similar nature. Learned State counsel has further submitted that recovery has already been effected, challan has been presented and the case is now fixed for framing of charges.

In reply, learned counsel for the petitioner has submitted that the petitioner is on bail in all other FIRs and allegations against the petitioner in the present FIR are pertaining to an offence punishable under Section 412 IPC only.

Without commenting on merits of the case, considering the fact that the petitioner is in judicial custody since 22.04.2018; he was nominated in the FIR on the basis of disclosure statement of co-accused; challan has already been presented; charges are yet to be framed and the petitioner is no more required for further investigation, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bond to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

31.07.2018
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No