

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

CRM-M-43606 of 2018.

Decided on:- December 06, 2018.

Surender @ Mechu.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

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

Present:- Mr. Ravi Kadian, Advocate
for the petitioner.

Mr. Manish Bansal, D.A.G., Haryana.

HARI PAL VERMA, J.

The petitioner has filed present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in FIR No.126 dated 09.04.2018 under Sections 379-B and 285 IPC as well as Section 25 of the Arms Act, 1959 registered at Police Station Badhra, District Charkhi Dadri.

The aforesaid FIR was got registered at the behest of complainant Bijender Kumar son of Balwant Singh, resident of village Jhujhu Khurd and working as Manager in Chandgiram Man Filling Station. As per the complaint, on 08.04.2018, the complainant was carrying the amount of Rs.2,63,000/- as sale of the pump and was going to his home at village Jhujhu Khurd on his scooty bearing registration No.HR-19J-3155. At about 06.50

P.M. when he reached 500 meters away from Khubi Dhani Bus Stand, a white coloured Apache motorcycle came there and one boy stopped the motorcycle in front of the scooty of the complainant, whereas the second boy gave a Danda blow on the left hand of the complainant due to which the complainant fell down. The third boy gave a slap to the complainant. Two boys caught hold of the complainant and another boy took out the money from the red coloured bag from the dickey of the scooty. When the complainant raised an alarm, the accused fired a shot and ran away on their motorcycle towards village Dagdauli. They had also taken the mobile phone of the complainant.

Learned counsel for the petitioner has argued that it is on the basis of confessional statement of accused Naveen and Sonu, the petitioner was arrested in the case on 20.04.2018 and no recovery has been effected from the petitioner as he was not involved in the commission of crime. The only basis for arrest of the petitioner was the statement made by co-accused in other FIR No.127 dated 19.04.2018 registered at Police Station Gurugram City. Though it is stated in the FIR that there was no number plate on the bike, but in the confessional statement it has been stated that there was number plate and it was covered.

On the other hand, learned State counsel has argued that the crime was committed by the petitioner along with other co-accused in an organized way and as such, the petitioner does not deserve the concession of bail.

I have heard learned counsel for the parties.

The allegations against the petitioner are serious in nature. The order dated 16.08.2018 passed by learned Additional Sessions Judge, Charkhi Dadri shows that an amount of Rs.50,000/- has been recovered from the petitioner-accused. Therefore, considering the nature of allegations and the recovery effected from the petitioner, this Court finds that no ground for grant of regular bail to the petitioner is made out.

Accordingly, the present petition, being devoid of any merit, is dismissed.

The observations made hereinabove shall not construe an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations in any manner.

December 06, 2018
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No