

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

**CRM-M-600-2018 (O&M)
Date of decision:07.02.2018**

Birpal

... Petitioner

Vs.

State of Haryana

... Respondent

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

Present: Mr. M.S. Rana, Advocate for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

...

TEJINDER SINGH DHINDSA, J. (ORAL).

Petitioner seeks benefit of regular bail pending trial in case FIR No.372 dated 22.09.2016, under Sections 395/397 read with Section 34 IPC, registered at Police Station Pataudi, Gurgaon.

Counsel for the parties have been heard.

FIR came to be registered on the statement of Mam Chand, who claimed himself to be working in a Reliance Retail Limited Company, Bhiwani.

Allegations are that on 22.09.2016, the complainant while proceeding on a motorcycle was intercepted by one person who came from the side of trees and hit him with a *lathi* and on account of which he lost his balance and fell down. Thereafter, 2/3 more unidentified persons assaulted the complainant and took away from him two mobile phones and Rs.500-600/- from his purse.

Present petitioner is sought to be implicated in the present case on the basis of a confessional statement recorded by the police during his

custodial interrogation in a different FIR i.e. FIR No.379 dated 26.09.2016, registered at Police Station Pataudi.

Petitioner has been shown to be arrested on 03.01.2017.

Investigation in the case is complete. Challan has been presented and even charges have been framed.

Trial is still at the initial stage and would take time to conclude.

As per prosecution, recovery of one mobile phone has been effected from the petitioner.

Petitioner has already faced incarceration for a period in excess of one year.

Without making any observations on merit, petitioner is held entitled to the benefit of bail.

Petitioner be enlarged on bail subject to satisfaction of the trial Court/Duty Magistrate concerned.

Disposed of.

07.02.2018

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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|-----|----------------------------|--------|
| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |