

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-6902 of 2018
Date of decision : February 27, 2018

Sanjay

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Sukesh K. Jindal, Advocate, for the petitioner

Mr. P.K. Jangra, Addl. A.G. Haryana for the State

Fateh Deep Singh, J. (Oral)

The allegations against petitioner-Sanjay in this second regular bail application under section 439 of the Code of Criminal Procedure are that on 31.7.2016/1.8.2016 accused non-applicants Rajesh, Vinod, Dinesh, Sunil and Sourab entered into criminal conspiracy and looted truck bearing No. HR-38S-0152 which was loaded with 471 bags of Moong Daal after murdering its driver Sudhir alias Monu. The allegations against petitioner Sanjay are that he has only purchased the looted goods and sold them off in Narela.

The contentions of the counsel for the petitioner are that the

petitioner is behind the bars since 4.8.2016 and that the alleged recovery has been made from a rented premises which do not belong to the petitioner and has been rented out to Rajesh co-accused and therefore, his culpability cannot be fixed and that the trial is not likely to be concluded in near future.

On behalf of the State, bail application is opposed on the grounds of seriousness of the allegations and heinousness of offence and that if the bail is allowed, the petitioner would influence the witnesses as the trial is underway.

Appreciating the submissions, in the light of the allegations brought to the notice of the Court by the learned State counsel that the petitioner was only instrumental in purchase of the articles subject matter of this robbery and selling it off. Since the recoveries have already been effected and culpability if any shall be determined at the time of trial, keeping in view the period of incarceration together with the fact that the trial is not likely to be concluded in near future, no useful purpose will be served by continuous detention of the petitioner and it would be traversality of justice.

In view of aforesaid, without adverting to the merits of the case, the instant application is allowed. Bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Panipat.

The present petition stands disposed off accordingly.

The observations made herein above shall not be binding on the trial court at the time of trial as these are purely for the disposal of the

present bail application.

February 27, 2018
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No