

(Proceedings conducted through video conferencing)

CRM-M-16767-2020

Date of Decision: 14.07.2020

ROHTASH ALIAS DHANGHA ... PETITIONER
VS.
STATE OF HARYANA .. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Amit Choudhary, Advocate, for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

VIVEK PURI, J.(ORAL)

Through present petition, the petitioner is seeking regular bail in case FIR No. 604 dated 11.12.2019 under Sections 392 and 506 of Indian Penal Code and Section 25 of the Arms Act, registered at Police Station City Tohana, District Fatehabad.

Briefly, the aforesaid FIR has been registered on the basis of statement of Krishan Lal alleging that he is running a medical store. On 11.12.2019 at about 8:00 P.M., he was sitting on the medical store and three unknown persons came on a motorcycle. Two of them entered the store, asked for cough-syrup and threatened the complainant with revolver. They took an amount of ₹27000/- from the drawer and slipped away on the motorcycle.

It has been contended by learned counsel for the petitioner that he has not been named in the FIR, though, named subsequently in the supplementary statement of the complainant, as the petitioner was alleged to be driving the motorcycle. The arrest of the petitioner was effected on 21.12.2019. Investigation of the case is complete and challan has already been presented in the Court.

It has been further pointed out that Krishan Lal-complainant has sworn an affidavit (Annexure P-2) wherein it has been specifically and categorically mentioned that the petitioner was not the person who was standing outside the medical store. It has been further mentioned that the petitioner was not known to the complainant and had even never seen him.

Learned State counsel has not disputed the aforesaid facts.

Keeping in view the abovesaid facts, no useful purpose will be served by keeping the petitioner behind the bars in the present case. Accordingly, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of concerned Chief Judicial Magistrate/Illaqa Magistrate/Duty Magistrate.

14.07.2020
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No