

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Misc. No. M-17970 of 2020(O&M)
Date of Decision: 24.07.2020

Vipul alias Tholia

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Prashant Singh Chauhan, Advocate,
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana

ANIL KSHETARPAL, J(Oral)

Present petition has been filed by the petitioner, namely, Vipul alias Tholia, under Section 439 Cr.P.C. for grant of regular bail in FIR No.190, dated 22.04.2018, registered under Section 307/341/379-B/395/397/427/506 IPC and Section 25 of the Arms Act, 1959, at Police Station City Mahendergarh, District Mahendergarh, Haryana.

In brief the case of the prosecution has been noticed by the learned Additional Sessions Judge, Narnaul, in paragraph 2, which is extracted as under:-

“2. In brief, FIR of the present case was lodged on the complaint of complainant Gajanand son of Ramswaroop, on the allegations that he is resident of village Nangal Mala and is running two shops, one of ready-made garments and other of clothes in Mohindergarh complex. In the said shops, he, his elder brother Khushiram and his nephew Jayanti son of Khushiram carry on business. That day he alongwith his brother, his nephew, son of his brother in law Pushpender, Sunil was going to his village in a vehicle bearing no. HR-34/5009 make model bolero. The said vehicle was being driven by his nephew Jayanti and complainant was sitting beside the driver. Remaining all were sitting on the back seats. When they

reached one and half k.m. ahead of village Kurahwata near the fields of Babu Lal, two motorcycles were seen parked and five boys were standing over here. When they crossed them, the motorcycles started chasing them. When they reached near 200 meters before electricity power plant, one of the motorcycle drivers opened fire on their vehicle. His nephew sustained bullet injury and then they parked the motorcycle in front of their vehicle and three boys opened fire on their vehicle. They came out of their vehicle. The assailants asked them to handover all their belongings to them. They (complainant party) asked them as to why they were being beaten up by them (assailants). On this one of the boys opened fire on his brother Khushiram and another boy opened fire on Raj Kumar. They snatched away all their cash and mobiles. He was having Rs. 32000/- with him and the said amount was also snatched by them. Thereafter, all the five boys who were aged 25-26 years fled away on their motorcycles while extending threat to them. Thereafter, they came to GH, Mohindergarh, where the medical officer referred them to higher centre. He suspected that the said incident was carried out by Bijender son of Rohtash, Pardeep and Sunil sons of Dayaram, r/o village Nangal Mala in collusion with others. Action against the wrongdoers were prayed for. On this complaint, formal FIR of the case was recorded. Matter was investigated. Site plan was prepared, Statement of witnesses were recorded. Accused were arrested. Accused were arrested. Investigation has been completed and challan has already been filed.”

Hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

Learned counsel for the petitioner contends that the petitioner is not named in the FIR and he has been implicated on the disclosure statement of the co-accused which is not admissible in evidence. He further submits that only a sum of Rs.300/- is alleged to have been recovered from the petitioner. He further relies upon orders passed in the cases of co-accused, Annexure P/3, Annexure P-4 and Annexure P-5, granting bail. He submits that the petitioner also claims bail on parity.

On the other hand, learned State counsel has pointed out that the petitioner is a habitual offender, involved in as many as 9 other cases of

similar nature including cases under Section 302/395/392/307 IPC etc.

Keeping in view the aforesaid facts, this court is not inclined to grant the concession of bail to the petitioner.

Dismissed.

(ANIL KSHETARPAL)
JUDGE

July 24, 2020

“nt”

Whether speaking/reasoned :Yes/No

Whether reportable : Yes/No