

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Misc. No. M-17973 of 2020(O&M)
Date of Decision: 24.07.2020

Bhupender alias Sonu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Kanal Chaudhary, Advocate,
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana

ANIL KSHETARPAL, J(Oral)

The petitioner prays for grant of regular bail in a criminal case arising from FIR No.22, dated 19.02.2020, registered under Sections 341/379-B/34 IPC (Sections 394/397/34 IPC and Section 28-A of the Arms Act added later on and Section 341/379-B/34 IPC and Section 25 of the Arms Act have been deleted), at Police Station New Colony, Gurugram.

The gist of the case of the prosecution has been noticed by the learned Additional Sessions Judge, Gurugram, in paragraph 3, which is extracted as under:-

“ 3. In brief, as per police reply the allegations made therein are that during the intervening night of 18/19.2.2020 at about 10:50 p.m., an information was received in the Police Post from Police Control Room that some snatching incident had taken place with a person near Satyam Hospital, Street No. 3, Madanpuri, Gurugram. This information was conveyed to the higher police officers. After that Sub-Inspector Sandeep Kumar along with Constable Sumit and Constable Amit in a government vehicle reached Street No. 3, Madanpuri, Gurugram where Head Constable Rajbir Singh and Constable Vikash met them and had obtained the opinion of the doctor with regard to recording statement of the injured, who opined the injured fit to make the statement.

Thereafter, injured Pramod Dudeja presented a written complaint addressed to the Incharge of Police Post Arjun Nagar, Gurugram inter alia alleging therein that he is resident of 20-A, Mianwali Colony, Gurugram and he is running a shop in the name and style of Super Berger Express at Sohna Road, near G.D. Goyanka College. The marriage anniversary of his friend Rajiv Gulati son of Shri D.L. Gulati was on 22nd of February and today i.e. On 19.2.2020, he along with his friend Rajiv Gulati and Rakesh had gone to Gawal Pahari, Faridabad road for booking a hotel for performing marriage anniversary. They had returned from there at Sohna Chowk at about 10 p.m. where his Scooty bearing registration No. HR-26-CV-7610 was parked. He left his friends there and started his journey on his scooty for Madanpuri. When he crossed Satyam Hospital and reached near Bajrangbali temple, meantime, two young boys on a scooty came from behind and put their scooty in front of his scooty. The pillion rider got down from the scooty and tried to snatch chain from his neck. He resisted for it. Meanwhile, the person sitting on the scooty took out a pistol and told him that he will shoot him (complainant). Then he (complainant) gave a kick to the scooty of the culprits, as a result of which scooty fell down and both the boys started snooping. Meantime, one boy gave a blow of 'Sua' in his back and other boy had taken out 'gold kada' from his left hand which was weighing about 110 grams. Blood oozed out from his back after sustaining blow of 'Sua'. He clambered with them and some passersby came there. Both the boys fled away from the spot on foot after leaving their scooty and taking his gold 'kara'. Thereafter, he called his friends Rajiv Gulati and Rakesh after making a call. On checking the diggy of the scooty, one number plate having number HR-87-E-1543 was found lying therein. As blood was oozing from his back, therefore, his friend Rajiv Gulati got him admitted in Aarvy Hospital. In the end, he prayed to initiate criminal legal action against the culprits, who had snatched his gold kara after giving him blow of 'sua' in his back."

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 has been falsely implicated and is in custody since 21.02.2020. He submits that the conclusion of the trial is likely to take time and, therefore, the

petitioner be released on bail.

On the other hand, learned counsel appearing for the State has pointed out that in the test identification parade, the first informant has identified the petitioner. He has further submitted that the petitioner along with his co-accused had pledged the aforesaid gold ornament with IIFL, Gold Loan Finance Ltd., Brass Market, Rewari. He further submitted that Rs.30,000/- has been recovered from the petitioner. He further informed the Court that the petitioner is involved in as many as 10 more such criminal cases.

This court has considered the submissions and is of the considered view that the petitioner is a habitual offender, therefore, do not deserve the concession of bail.

Dismissed.

(ANIL KSHETARPAL)
JUDGE

July 24, 2020

“nt”

Whether speaking/reasoned :Yes/No

Whether reportable : Yes/No