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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-23232-2020

Date of Decision: 26.08.2020

Kuldeep

..... Petitioner

Versus

State of Haryana

..... Respondent

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In virtual Court
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CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr.Gaurav Antwal, Advocate, for the petitioner.

RAJBIR SEHRAWAT, J. (ORAL)

The present petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of bail pending trial in case FIR No.450 dated 24.07.2019 registered under Sections 323, 342, 395, 412, 120-B of IPC 1860 and u/s 25 of the Arms Act, 1959 registered at Police Station City Sirsa, District Sirsa, Haryana.

The allegation against the petitioner is that the complainant was present at the shop and at about 1 PM, 4-5 persons with muffled faces came at his shop. Out of those persons, two persons were armed with pistols and two were having kappa in their hands. They put the pistol on the head of the complainant and looted an amount of approximately Rs.13 Lacs and 3 mobiles. To prevent the complainant from making any complaint to the police, they locked the complainant inside the shop and even cut the wires of the land line telephone of the complainant. After taking the money and mobile phones,

the accused had run away from the spot.

Learned counsel for the petitioner has submitted that petitioner is suffering from acute pain and suffering on account of decess of piles. Because of the same, he is not even able to sit and sleep properly. It is further submitted that petitioner has been arrayed an accused in the case on the basis of alleged disclosure statement of the co-accused-Rakesh. It is also submitted that the prosecution has not explained as to how the police came to know the name of the petitioner and his involvement in the present case.

Notice of motion.

Mr.Arun Beniwal, DAG, Haryana, accepts notice on behalf of respondent State.

The counsel for the State, being instructed by Mr.Ranjit Kumar, ASI, submits that the petitioner is a habitual offender and he is having 8 other cases against him, including the cases of similar nature and even a case of killing after abducting for ransom. In the present case also, the name of the petitioner specifically surfaced during investigation and through the statement of co-accused. An amount of Rs.1,08,000/-, has been recovered from the petitioner out of looted amount. Besides this, a pistol and two live cartridges have also been recovered from him. Hence, his participation in the crime is duly established.

In view the fact that there are serious allegations against the petitioner, recoveries have been effected from him; and also in view of the fact that petitioner is involved in more than 8 cases; including the cases of similar type and the case of murder after abducting for ransom, this Court does not find it a fit case to interfere and release the petitioner on bail pending trial.

Accordingly, the present petition is dismissed.

26.08.2020
anil

(RAJBIR SEHRAWAT)
JUDGE

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