

CRM-M-34994-2020

Date of decision: 19.11.2020

HITENDER @ PONTING

...PETITIONER

VERSUS

STATE OF HARYANA AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Aditya Sanghi, Advocate
for the petitioner.

Mr. Amrik Singh Narwal, DAG, Haryana.

*(The case has been taken up through video conferencing on
account of Covid-19 Pandemic).*

VIVEK PURI, J. (ORAL)

The petitioner is seeking regular bail in the case bearing FIR No. 54 dated 24.02.2020 under Sections 323/324/326/379-B/427/452/506/34/326 of IPC, registered at Police Station Nangal Chaudhary, District Mahendergarh.

The FIR has been registered on the basis of the statement of Neeraj alleging that on 24.02.2020 at about 07.55 pm, three persons armed with Lath and weapons attacked and damaged the shop being run by him and fled away in a Swift Car. The assailants took away cash amounting to Rs. 23,000/- which was kept in the cash box. They further damaged Laptop, two mobile phones and printer. The assailants also inflicted injury on the person of Rahul whose foot was fractured. The petitioner was identified by the complainant and he could not identify the other person.

It has been stated by the learned counsel for the petitioner that he is in

custody since 01.06.2020, the co-accused namely Yogesh Kumar has been granted

concession of pre-arrest bail; the compromise has been effected with the complainant and an affidavit has been also placed on record.

On the contrary, it has been pointed out by the learned State counsel that besides the present five other criminal cases have been registered against him. Particulars whereof are given herein below:-

1. FIR No.478 dated 26.08.2017, under Sections 302/216/34 IPC/25/54/59 of the Arms Act, Police Station Model Town, Rewari.
2. FIR No. 498/2014, under Sections 323 IPC, Police Station City Narnaul, District Mahendergarh.
3. FIR No. 63 dated 22.02.2014, under Sections 42-A Prisons Act, Police Station City Narnaul, District Mahendergarh.
4. FIR No. 24 dated 26.01.2014, under Sections 148/149/323/452/506 IPC, Police Station Nangal Chaudhary, District Mahendergarh.
5. FIR No. 279 dated 15.09.2019, under Sections 61-1-14 Excise Act, Police Station Nangal Chaudhary, District Mahendergarh.

Furthermore, wooden stick and Rs.2000 have been recovered from the petitioner. The injuries have been inflicted in person of the complainant Neeraj and Rahul.

Merely, because a compromise has been effected between the parties cannot be termed to be a circumstance to extend the concession of bail to the petitioner particularly because five other cases have been registered against him. Moreover, the petitioner has been specifically categorically named in the FIR. The case of the petitioner cannot be termed to at par with the co-accused, namely, Yogesh Kumar particularly because he has not been named in the FIR and was nominated on the basis of the statement of the present petitioner. There are serious allegations against the petitioner with regard to snatching of cash and articles while causing hurt to the complainant and another person. Such like offences could not be

Keeping in view the allegations and antecedents of the petitioner, the release of the petitioner on the bail will be detrimental to the interest of society.

In these set of circumstances, no justified ground is made out to extend the concession of bail to the petitioner.

In view of the above, the present petition is dismissed.

19.11.2020
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No