

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.16128 of 2021
Date of Decision: November 11, 2021

Manoj @ Kallu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr.Anil Chawla, Advocate,
for the petitioner.

Mr.Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.515 dated 29.10.2020, under Sections 342, 395, 397 IPC, 1860 and Section 25 Arms Act, 1985, registered at Police Station, Sadar Sonipat, District Sonipat, who is in judicial custody after his arrest on 31.10.2020.

As per the FIR, on 29.10.2020 at about 1.00 a.m., about 9-10 unknown persons forcibly took away copper contact wire (107 sq.MM) 1057 Kg., four bundles cable measuring about 200meters, copper cathod 1063 Kg. and I-10 car bearing registration No.TN-04AD-9981 colour white from the factory of complainant Parnav at gun point.

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case and no test identification parade was

conducted to establish his identity as an accused in the alleged crime. He states that the petitioner used to work as cleaner with co-accused Manoj @ Chhanga and he has no role in the alleged occurrence, who along with the driver of the vehicle had gone to the factory for loading the material and it was not in his knowledge that the said material has been taken away from the factory by committing the alleged crime as narrated in the FIR. Learned counsel has further placed reliance upon order dated 23.07.2021 passed in CRM-M-10562-2021, whereby co-accused was granted regular bail. He states that the petitioner is not involved in any other case, therefore, he be released on bail as the investigation of the case is complete.

On the other hand, the prayer is opposed by the learned State counsel, assisted by SI Inderjeet Singh, who argued that the petitioner participated in the crime along with co-accused and had taken away copper contact wire (107 sq.MM) 1057 Kg., four bundles cable measuring about 200 meters, copper cathod 1063 Kg. and while running away, I-10 car owned by the complainant was also taken away by the petitioner. Learned State counsel has argued that on the basis of disclosure statement suffered by the petitioner, recovery of two copper plates weighing 100 kgs. and 40 kgs. pieces of copper has been effected from his residence. According to him, the assailants had tied the other workers and gave them beatings also. He states that four persons had suffered injuries in this occurrence.

After hearing the learned counsel for the parties and considering the above background, this court is of the opinion that as per prosecution, the petitioner along with other accomplices caused injuries to the witnesses and committed the offence of dacoity and in furtherance of his disclosure statement, recovery of two copper plates weighing 100 kgs. and

40 kgs.pieces of copper was made, therefore, the case of the petitioner is distinguishable from his co-accused Mohd.Imran Malik, released on regular bail as he was implicated in this case for commission of offence punishable under Section 412 IPC only.

The argument that no test identification parade has been conducted to establish his identity may not be relevant at this stage as the trial is yet to commence. Thus, considering the gravity of the offence, but without expressing any opinion on the merits of the case, this court does not fit it to be a fit case for releasing the petitioner on regular bail at this stage.

Dismissed.

November 11, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No