

PAWAN @ PANTA

....Petitioner(s)

VERSUS

STATE OF HARYANA

....Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Rajnikant Upadhyay, Advocate
for the petitioner.

Mr. Rahul Mohan, DAG, Haryana.

MANJARI NEHRU KAUL, J.(ORAL)

This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case FIR No.259 dated 02.05.2022 under Sections 392, 394, 450, 506 IPC (Section 397, 411 added later on) registered at Police Station City, Gohana, Sonapat.

Learned counsel for the petitioner submits that the false implication of the petitioner in the crime in question is evident from the fact that he was not named in the FIR in question and it is only pursuant to the disclosure statement made by the co-accused Yogesh, the petitioner came to be nominated as an accused in the instant case. While inviting attention of this Court to the FIR which has been annexed as Annexure P-1 submits that allegedly three young boys entered the house of the complainant and after overpowering her and putting her under threat, removed her gold earrings. Thereafter, they looted her of her other gold jewellery and also inflicted injuries with sharp edged weapon on her right hand. Learned counsel for the petitioner further submits that there is not much evidentiary value attached to such disclosure statements allegedly made by the

co-accused and even though recovery of gold ornaments of the complainant were shown to have been effected from the petitioner, however, the recoveries had been planted on him.

Per contra, learned State counsel while opposing the prayer and submissions of the counsel opposite submits on instructions that the trial is nearing conclusion as only three more prosecution witnesses, out of the nine cited, remain to be examined. He further submits that all the witnesses including complainant while stepping into the witness-box supported the case of the prosecution in toto. He has still further submitted that the petitioner is a man of criminal antecedents as he is involved in two other criminal cases out of which, one is of a similar nature and other case is under Section 376 IPC.

Prima facie there are serious allegations against the petitioner who seemingly is a history-sheeter. In addition the trial shall not take much time to conclude as only three prosecution witnesses remain to be examined now and the next date fixed before the trial Court is 23.03.2023.

In the facts and circumstances as enumerated hereinabove, this Court does not deem it fit to extend the concession of bail to the petitioner.

Dismissed.

Nothing contained hereinabove shall be construed as a final expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

20.01.2023

Sangeeta

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