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Date of Decision: 06.03.2024

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Jitender K. Sehrawat, Advocate
for the petitioner.

Mr. Rajinder Kumar, Deputy Advocate General, Haryana.

N.S.Shekhawat J. (Oral)

3. As per the allegations levelled by the complainant, the petitioner, his co-accused, namely, Mitu @ Mainpal @ Amit and Sunil have abducted the complainant in their car and after assaulting him, they had snatched his mobile phone, gold locket and the purse containing Rs.4,000/- to Rs.5,000/-. Even the complainant had suffered five injuries in the said incident.

4. Learned counsel for the petitioner contends that both the parties were known to each other and it was a case of simple scuffle between the parties. He further submits that the allegations have been levelled by the complainant regarding robbery and snatching of mobile phone etc., only with a view to aggravate the offence and no offence under Sections 365, 379-B of IPC is made out against the present petitioner. He further contends that as per the status report filed by State of Haryana, Mitu @ Mainpal @ Amit, co-accused has been arrested and gold locket has been recovered from him. Apart from that, the mobile phone of the complainant has been recovered from Sunil and the custodial interrogation of the petitioner will not serve any meaningful purpose.

5. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that three more FIRs have been registered against the present petitioner and the amount of Rs.4,000/-, which was snatched by the petitioner, is yet to be recovered from the present petitioner.

6. I have heard learned counsel for the parties and perused the record.

7. It is apparent that in the present case, the complainant had suffered simple injuries. Apart from that, the mobile phone and gold locket have already been recovered in the present case from the co-accused, namely, Mitu @ Mainpal @ Amit and Sunil.

8. Without commenting any further on the merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail, subject to the conditions as provided under Section 438(2) of the Cr.P.C. It will be open for the Investigating Officer to call the petitioner to join

investigation, if so required, by issuing a written notice in this regard and he shall abide by the conditions mentioned in Section 438(2) of the Cr.P.C.

06.03.2024.
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(N.S.SHEKHAWAT)
JUDGE

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