
(2010) 05 SHI CK 0172

In the High Court Of Himachal Pradesh

Case No : Criminal M.P. (M) No. 398 of 2010

Dharam Kumar

APPELLANT

Vs

State of H.P.

RESPONDENT

Date of Decision : 07-05-2010

Acts Referred:

Citation : (2010) 05 SHI CK 0172

Hon'ble Judges : Surinder Singh, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Surinder Singh, J.—Both these petitions arising out of FIR No. 42/2009 registered in Police Station Kandaghat. They were arrested on 9.5.2009 in FIR No. 42/2009 registered in Police Station Kandaghat for the offence of dacoity along with their accomplice, one of them is Harbeer @ Satbeer who is absconding.

2. As per prosecution case, accused persons along with absconding accused hired a Innova Car bearing registration No. HR-68-7167 on 8.5.2009 for Rs. 2700/-, from Panchkula to visit Shimla and surrounding places.

3. The Petitioner Dharam Kumar resident of Bihar is alleged to have been working with the absconding accused who is resident of Jalandhar and other accused persons belongs to Kapurthala. During the mid-night, they reached Shimla, thereafter went to Kufri, from there, they intended to move to Chandigarh via Chail. The absconding accused told that one of the co-accused Jaswinder was feeling like to vomit thus he requested him to stop the vehicle. The complainant-driver halted his vehicle and alighted therefrom. He went to urinate on the road side. There he was caught-hold by co-accused Lovely and his co-accused and snatched his Sony Erecxin Mobile and purse containing Rs. 2700/- from him. He was dragged about 20 steps ahead and tied with a tree. A tape was also pasted on his mouth, so that, he could not raise any alarm. All the

accused persons drove off the Innova Car towards Kandaghat.

4. The complainant struggled to relieve himself from the ropes, ultimately got freed himself after about half an hour. Thereafter he came to the road and noticed a house nearby, knocked the door, disclosed his identity to the inhabitant and narrated about the incident. Immediately thereafter at about 11.50 p.m., police was informed about the dacoity by the accused persons.

5. Police put a Naka near Chail Kandaghat Road. The said vehicle was stopped which was driven by the absconding accused Satbeer Singh. He, finding an opportunity, fled-away whereas other accused persons, including the Petitioners were nabbed. Innova car was taken into possession. On the search of the accused persons, Sony Erecxin Mobile of the complainant was recovered from Lovely co- accused. Harbeer @ Satbeer is not traceable even till date.

6. According to the learned Counsel for the Petitioners when the vehicle was on Chail-Solan road, a confrontation took place between the complainant and the absconding accused. The complainant stopped his vehicle mid-way. Satbeer came out from the vehicle and started quarrelling vigorously with him and Satbeer aforesaid discontinued his journey after informing his colleagues and told them that he would stay back in some house nearby. Thereafter the complainant took the vehicle toward Chandigarh but on the way the vehicle was intercepted by the police.

7. I have examined this argument but no such fact emerges from the record and in fact when the police intercepted the said vehicle, complainant was not with them. Report filed by the police shows that Satbeer had absconded when they were busy in the interrogation at Naka point. There is no explanation worth the name as to whether the complainant was also present there and how the mobile as well as the Innova car of the complainant came in possession of one of the accused persons remains a mystery. Thus, prima facie there is enough evidence to connect the Petitioner with the serious offence of dacoity. Therefore, liberty of bail cannot be granted to them, as such both the bail applications are dismissed.