

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No.41847 of 2017 (O&M)

Date of decision : 22.11.2017

...

Avneet Tomar

.....Petitioner

vs.

State of Haryana

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Fatehjeet Singh, Advocate for the petitioner

Mr. Neeraj Poswal, Assistant Advocate General,
Haryana.

...

H. S. Madaan, J. (Oral)

This application for regular bail has been filed by petitioner Avneet Tomar, an accused in FIR No. 144 dated 10.4.2017 under Sections 395, 397 IPC and Section 25 of Arms Act, registered with Police Station Murthal, District Sonapat, Haryana.

Briefly stated, the prosecution story is that on 10.4.2017, complainant Raghbir s/o Mulak Raj, r/o Village Govind Majra, Dera Burawaha, District Kurukshetra, while driving car No. HR-41-3868 make Ertiga of Rajiv Garg of Kurukshetra, was returning from Delhi

Airport towards Kurukshetra side and when he had reached Karnal By-pass, Delhi, five persons took lift in his vehicle for the purpose of going to Panipat. When the said vehicle had reached near Devi Lal Park, GT Road, Kumaspur, then those occupants of the car stated that they were to go to washroom to pass urine, as such he stopped the vehicle. Then one of the boys took out keys of vehicle, whereas another one pointed a pistol on his temple. The third boy placed pistol on back side of the complainant and pushed him. According to complainant, he managed to run away with great difficulty. In that way, after snatching his vehicle, the five boys therein. Formal FIR was registered. The case was investigated.

Accused Vishal, Maninder, Avneet, Parveen and Amit were arrested in this case.

As the prosecution version further goes and as has been noticed by Additional Sessions Judge, Sonapat, in paragraph No.4 of the order dismissing application for grant of regular bail by accused – petitioners Vishal and Avneet, before him, the police had collected the copy of recovery memo dated 10.4.2017 from Police Station Barot, District Bagpat, U.P. And it shows that on that day, the police had received intimation that some miscreants had looted car No. HR-41F-3868 from Haryana, and they were coming towards Bagpat. The car was intercepted by the police party. The occupants of the car started firing at the police personnel. One of them was apprehended, whereas others managed to escape. Assailant, who was apprehended, gave his name as Vishal s/o Joginder. The car was also taken into possession. One countrymade pistol was recovered from applicant-Vishal .

During interrogation by Barot police, Vishal disclosed name of other occupants of the car, which included Avneet Tomar. Thereafter, Avneet Tomar and other accused were arrested. Since petition for regular bail filed by Avneet Tomar was dismissed by the Additional Sessions Judge, Sonapat, vide order dated 11.10.2017, he has approached this Court seeking similar relief by way of moving the present petition.

Notice of the petition was given to the State.

I have heard learned counsel for the petitioner and learned State counsel.

Though not named in the FIR, but since his involvement in the incident was found to be there during investigation of the case, the allegations are quite grave and serious, which do not warrant grant of regular bail to him. Further more, he is stated to have criminal background in as much as he is an accused in FIR no. 324 dated 10.4.2017 under Sections 147, 148, 149, 307 IPC, registered at Police Station Barot, Bagpat. He is further shown to be an accused in FIR No. 325 dated 10.4.2017 under Section 25-27-3 of Arms Act, registered at Police Station Barot, Bagpat.

Learned State counsel has submitted that in case he is released on bail, there is every likelihood of his absconding and tampering with the prosecution evidence.

This apprehension of State counsel cannot be brushed aside lightly. As regards marriage of petitioner being fixed for 4.12.2017, keeping in view the facts and circumstances of the case, he is not entitled to grant of bail and this fact can certainly put no weight

on the mind of the Court, so as to grant him concession of bail when facts and circumstances of the case show otherwise.

Dismissed.

(H.S. Madaan)
Judge

22.11.2017

chugh	Whether speaking / reasoned	Yes / No
	Whether reportable	Yes / No