

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Date of Decision: 20.02.2017

1. CRM-M No.46330 of 2016

NARESH KUMARPetitioner

Versus

STATE OF HARYANA ... Respondent

2. CRM-M No.1432 of 2017

SHAKTI @ BABLUPetitioner

Versus

STATE OF HARYANA ... Respondent

CORAM:-HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Rahul Rathore, Advocate
for the petitioner in CRM-M No.46330 of 2016.

Mr. P.K. Mutneja, Advocate
for the petitioner in CRM-M No.1432 of 2017.

Mr. P.P. Chahar, DAG, Haryana.

RAJ MOHAN SINGH, J.(ORAL)

Vide this common order, CRM-M No.46330 of 2016 and
CRM-M No.1432 of 2017 are being disposed of.

FIR came to be registered on the statement of Rahul Katal who alleged that on 18.11.2015 at about 7:00 P.M, he along with Sukhwinder Singh, Akhil Katar and Kundan Lal were coming from Delhi in his car. They had taken meals at a Dhaba. After crossing the toll tax Panipat when they were coming towards Karnal near Gharaunda, they stopped the car in order

to urinate. In the meanwhile, one swift car came to the spot. Out of the said car, two young boys came near the car of the complainant. When complainant and Kundan Lal gone to sit in the car after urinating, the aforesaid two persons pointed the pistol and asked them to come out of the car and asked for the keys. On being told that keys are already in the car, the complainant and Kundan Lal alighted from the car and one boy sit on the driving seat and the second boy sit on the conductor side and they drove away the car after snatching the same towards Karnal side. One woman along with one person were also sitting in another car. They also ran away from the spot.

Petitioner-Naresh Kumar was allegedly involved in FIR No.687 dated 28.11.2015 registered under Sections 323, 307, 302/34 IPC at Police Station Assandh, District Karnal where car in question was recovered. Petitioner-Naresh Kumar was not arrested at the spot. In said case, Naresh Kumar was granted regular bail in the aforesaid FIR in CRM-M No.32128 of 2016 vide order dated 20.10.2016.

In the present case, disclosure statement of petitioner-Naresh Kumar was made on four occasions i.e. on 06.08.2016, 11.08.2016, 15.09.2016 and 17.09.2016. In the first disclosure statement, names of Jitender @ Lilu, Sanjay and Sohan @ Sohana came to fore in which disclosure was made that the

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petitioner along with aforesaid three persons snatched away the car in question at the gun point. Police also recorded second disclosure statement in which he alleged that he along with Jitender @ Lilu, Sanjay and Sohan @ Sohana were involved and they got the number of the vehicle changed. In the third disclosure statement, earlier disclosure statements were claimed to be false. Resultantly, the fourth disclosure statement came to be recorded on 17.09.2016.

So far as, petitioner-Shakti @ Bablu in CRM-M No.1432 of 2017 is concerned, the allegations against him are that he was the driver of the swift car in which accused came to the spot. The said car alleged to have been recovered from Shakti @ Bablu and was owned by his friend, who has not made any complaint against the petitioner-Shakti @ Bablu.

Taking into consideration, four different disclosure statements made by co-accused-Naresh Kumar and the recoveries allegedly made in pursuance thereof and the order granting regular bail to him in CRM-M No.32128 of 2016 in which car in question was allegedly recovered, I deem it appropriate to grant benefit of regular bail to the petitioners, particularly when they are in custody since 06.08.2016 and 17.09.2016 respectively. The case is still at the initial stage as 03.03.2017 is the date fixed for framing of charges.

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In view of above, without adverting to the merits of the case, let the petitioners be enlarged on regular bail, subject to their furnishing heavy bail bonds/surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

20.02.2017
prince

(RAJ MOHAN SINGH)
JUDGE

Whether Reasoned/Speaking

Yes/No

Whether Reportable

Yes/No