

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

CRM-M-21585 of 2018.

Decided on:-August 02, 2018.

Sheenu Kumar.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. K.P.S. Virk, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

HARI PAL VERMA, J.

This is the second petition filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in FIR No.545 dated 29.08.2017 under Sections 379-B, 392, 506 and 120-B IPC as well as Section 25 of the Arms Act, 1959 (now charges framed under Sections 379-B, 397, 506 and 120-B IPC and Section 25 of the Arms Act, 1959) registered at Police Station Assandh, District Karnal. The earlier petition i.e. **CRM-M-3214 of 2018** filed by the petitioner seeking regular bail was dismissed as withdrawn on 20.02.2018.

Briefly stated, the aforesaid FIR was registered at the behest of complainant Dhanraj to the effect that he deals in mustard oil and has two firms with the names M/s D.S. Traders and M/s Swati Traders in Gharaunda.

On 29.08.2017 at about 03.00 P.M., he along with his driver Anil son of Karambir Phurlak was going to Hansi-Hisar for purchase of mustard oil in a canter bearing registration No.HR-45A-4693. At about 04.15 P.M., when they reached near Rajbaha (water channel) from Balla towards Salwan, they had to park their vehicle along the road side near a sugarcane field because of a puncture in the front tyre. While they were changing the tyre of the vehicle, suddenly three young boys with muffled faces came there and one of them caught hold of the complainant, whereas the other two caught hold of the driver. The person who caught hold of the complainant put a pistol behind him and gave beatings to him. He took Rs.40,000/- from the pocket of the complainant forcibly and thereafter, the complainant was taken to the sugarcane field, where the accused persons tied the complainant and the driver with a rope. The accused left the spot after extending threat to kill them. Thereafter, the complainant and his driver somehow loosened the string and came to their vehicle where they found that an amount of Rs.3,60,000/- which was kept in the vehicle was missing. In this manner, these young persons with muffled faces had snatched Rs.4,00,000/- from the complainant. They had also taken the mobile phones of the complainant and his driver.

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the case and he has not committed any offence. He is in custody since 30.08.2017 and the trial in the case will take sufficient long time. There is no evidence to connect the petitioner with the alleged offence. It is only on the basis of the disclosure statement made by one Anil Kumar, who is a co-accused in the present case, the name of petitioner has

cropped up which carries no legal value in the eyes of law. Though the petitioner had earlier filed a petition i.e. CRM-M-3214 of 2018 for a similar relief, but the same was dismissed as withdrawn vide order dated 20.02.2018 passed by this Court as by that time, charges had not been framed and it is only on 27.02.2018, the charges have been framed against the petitioner under Sections 379-B, 397, 506 and 120-B IPC along with Section 25 of the Arms Act, 1959.

He has further contended that while appearing before the trial Court as a prosecution witness, the complainant had stated in his cross-examination that when the accused took him and his driver Anil in the sugarcane field, during the scuffle with the accused, the mufflers of three accused got removed and the complainant could see their faces. He further stated that the accused persons sitting in the Court are not those persons, who snatched money from the complainant and from his vehicle after tying them in the sugarcane field. The accused persons were not carrying any pistol or any other weapon.

On the other hand, learned State counsel has argued that the petitioner along with other co-accused had snatched a sum of Rs.4 lakh from the complainant and he does not deserve the concession of regular bail.

I have heard learned counsel for the parties.

The allegations made against the petitioner are that on 29.08.2017 he along with other co-accused snatched a sum of Rs.4 lakh from the complainant. He was arrested in the case on 30.08.2017 and a motorcycle and mobile phone along with Rs.50,000/- were recovered from him. The

allegations levelled against the petitioner are serious in nature. Therefore, merely because the complainant has stated in his cross-examination that the accused are not those persons, who snatched money from him and from his vehicle, is not sufficient enough to admit the petitioner on bail at this stage. As such, this Court finds that no ground for grant of regular bail to the petitioner is made out.

Accordingly, the present petition, being devoid of any merit, is dismissed.

However, the trial Court shall make an endeavour to expedite the trial in the case.

The observations made hereinabove shall not construe an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced by the same.

August 02, 2018
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No