

110

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

CRM-M-29287 of 2019

Date of decision: December 02, 2019

Salman

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Rakesh Choudhary, Advocate for the petitioner.

Mr. Arun Beniwal, DAG Haryana.

Mr. Rajiv Sidhu, Advocate for victim-Kamlesh Shah.

MAHABIR SINGH SINDHU, J

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of bail pending trial to the petitioner, in FIR No.514 dated 21.09.2018, under Sections 395, 397, 120-B, 206 of the Indian Penal Code, 1860 (for short 'IPC') and Section 25 of the Arms Act, 1959 (for short 'Arms Act'), registered at Police Station Dharuhera, Rewari, District Rewari.

As per prosecution case, complainant-Karan Patel lodged the above FIR, stating therein that he is working as a Driver with Ahmadabad based company, namely M/s P. Vijay Kumar. On 20.09.2018, he along with one Gajender Rathore resident of Ahmedabad were going from Delhi to Ahmadabad in Etios Car bearing registration No.GJ-02-CA-3548 while carrying cash amount of

₹4.5 crores belonging to the Company. At about 8.50 PM, after crossing the Gurugram Toll Plaza when they reached near Dharuhera, then he received a phone call from the owner and talked for sometime. Thereafter, he noticed that three vehicles were following them and out of which one Endeavour Black colour came on the right hand, whereas Honda City was at the front and the third vehicle i.e. Vista hit their Car from the backside. About 12-15 assailants armed with rifle came out and told that they were waiting since long. The assailants snatched their Car along with cash. Complainant along with his friend were put in Honda City and moved from there along with the vehicles and after taking some ride they were left at Rajasthan Border in the barley fields after tying their hands, legs with rope as well as putting a bandage on their mouth. They also snatched their mobile phone along with the remaining cash. Both of them after untying their hands and legs reached at a nearby hotel and gave phonecall to their owner. Consequently, some officials from the Company reached there. The matter was reported to the police and the above FIR was registered against unknown persons.

It is contended by the learned counsel for the petitioner that he is in custody since 10.10.2018 and co-accused, namely Sohanvir Singh, Kamruddin and Sanjay Verma, have already been granted the concession of bail by this Court, vide orders dated 11.04.2019 and 21.05.2019, respectively. Also contended that petitioner has been falsely implicated in this case as no independent person joined during investigation, thus, the recovery becomes highly

doubtful.

On the other hand, learned State counsel has opposed the prayer and submitted that allegations against the petitioner are serious in nature and he is the main culprit for commission of the crime. Also contended that total looted amount in the present case, is ₹4.5 crores, and out of that ₹2.16 crores along with Endeavour Car has been recovered from the petitioner, during investigation.

Heard both sides and perused the paper-book.

As per the allegations of the prosecution, cash amount of ₹4.5 crores, along with Etios Car No. GJ-02-CA-3548 have been looted by the petitioner along with other co-accused in a dare-devil manner. Complainant has narrated that on National Highway No.8 during night time, their Etios Car was surrounded by the accused from three sides i.e. Honda City at the front, Endeavour from right side whereas Vista hit their Car from backside. There were approximately 12/15 assailants and all were armed with weapons for committing the dacoity. During investigation, out of looted cash of ₹4.5 crores, currency of ₹2,49,27,000/- has been recovered. Necessary to be mentioned here that an amount of ₹2.16 crores along with Endeavour have been recovered from the petitioner itself. Plea on behalf of the petitioner that he be granted the concession of bail on parity with the three co-accused, is not acceptable for the reasons that huge currency amount i.e. ₹ 2.16 crores along with the Endeavour Car have been recovered from him, thus, he seems to be the main kingpin of the

dacoity. Even from perusal of order dated 11.04.2019 (P-2) passed by the Coordinate Bench of this Court, while granting bail to co-accused Sohanvir Singh and Kamruddin, it is apparently clear that petitioner is the main accused in this case and the relevant part of the above order reads as under:-

“Counsel for the petitioners have argued that petitioner-Sohanvir Singh has been in custody for almost six months, while petitioner-Kamruddin has been in custody for about five months and except for the disclosure statement of the main accused (Salman from whom the bulk of money was recovered), there is no other evidence against the petitioners.”

Also to be noticed that third co-accused, namely, Sanjay Verma has been granted the concession of bail by the Coordinate Bench vide order dated 21.05.2019 (P-3) on the concession made by learned State counsel that his case is on similar footing as that of co-accused Sohanvir Singh and Kamruddin and which is as under:-

“Learned Assistant Advocate General, on instructions from ASI Suresh Kumar has accepted that the petitioner is on same footing as aforesaid Sohanvir Singh and Kamruddin.”

The allegations against the petitioner are very grave in nature and sufficient material has been collected during investigation by the prosecution. Seven co-accused are stated to be still at run despite best efforts by the investigating agency and successfully avoiding their arrest. Thus, keeping in view the role of the petitioner,

possibility cannot be ruled out that in case of his release on bail, he may not only hamper the investigation, but also interfere with the prosecution case, at this stage.

Resultantly, this Court is left with no option except to dismiss the present petition.

Ordered accordingly.

Needless to say that observations made above may not be construed as an expression of opinion on merits of the case.

(MAHABIR SINGH SINDHU)
JUDGE

December 02, 2019

mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No