

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

1. CRM-M-3696-2020

Mobin and another

.... Petitioners

Versus

State of Haryana

.... Respondent

2. CRM-M-19853-2019

Sarwar Khan @ Roshan Ali

.... Petitioner

Versus

State of Haryana

.... Respondent

Date of Decision: 25.06.2020

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Kulvir Narwal, Advocate
for the petitioners (in CRM-M-3696-2020).

Mr. Virender Soni, Advocate for
Mr. Rakesh Kumar Lathwal, Advocate
for the petitioner (in CRM-M-19853-2019).

Mr. Munish Sharma, AAG, Haryana.

RAMENDRA JAIN, J. (ORAL)

Both the cases have been taken up for hearing through video
conferencing.

By this common order two above titled petitions are being

disposed of, arising out of FIR No. 82 dated 21.02.2018 registered under Sections 379A, 365, 342, 395, 120-B and 201 IPC at Police Station Sampla, District Rohtak. For brevity, the facts are being extracted from CRM-M-3696-2020.

Through this petition under Section 439 Cr.P.C., prayer

According to prosecution, on 19.02.2018, a truck bearing registration no. RJ-6GA-7916, loaded with copper wire from Hindalco Industries Ltd., Gujarat, driven by co-accused of the petitioners, namely; Sanjay Pal, on the way was hijacked. Complainant-Badan Singh was travelling in the said truck as a Security Guard. Around 10.30 PM in the night, when they reached in between village Naya Bans and Bansru, Sanjay Pal, aforesaid stopped the truck, on the pretext of urination. In the meantime, a car came and stopped in front of truck. Three persons alighted from it and forcibly removed the complainant from the truck by tying his hands and mouth. They also put him in their car for sometime and finally, thrown him in the fields. They hijacked the aforesaid truck loaded with copper wire by destroying GPS system installed therein. On arrest of co-accused-Ravi, he suffered a disclosure statement that they had left Sanjay Pal-driver of hijacked truck at Sultanpur and thereafter, he along with Mehboob Ali @ Khurje, Roshan Lal and Mohsin @ Mulla, have reached at Sagra Sunderpur (Uttar Pradesh). They unloaded the copper wire from hijacked truck and re-loaded the same in truck bearing registration No. GJ-8Y-5314, owned by petitioner No. 1-Mobin (in CRM-M-3696-2020). Thereafter, Mobin along with his co-accused, namely; Mehboob and Miraj-petitioner No. 2 (in CRM-M-3696-2020),

took the vehicle to Maharashtra and handed over the same to Mohsin and Sajid. On the abovesaid disclosure statement, petitioners were arrested. Truck bearing registration No. GJ-8Y-5314 was recovered from petitioner No. 1-Mobin. A sum of ₹20,000/- was also recovered from petitioner No. 2-Miraj.

Learned counsels *inter alia* contends that petitioners, namely; Mobin and Miraj (in CRM-M-3696-2020) are in custody since 17.08.2019 i.e. for more than 10 months; whereas petitioner-Sarwar Khan @ Roshan Ali (in CRM-M-19853-2019) is in custody since 17.09.2018 i.e. for month than 1 year and 10 months. They were not named in the FIR. They have falsely been implicated in the instant case on the basis of disclosure statement suffered by their co-accused-Ravi, which is a very weak type of evidence. Truck of petitioner No. 1-Mobin (in CRM-M-3696-2020) was hired on payment basis, thus, he had no role in the commission of crime. Charges have yet not been framed. Conclusion of trial may take sufficient long time. No useful purpose would be served by detaining the petitioners behind bars.

On the other hand, learned State counsel vehemently opposing the submissions of learned counsel for the petitioner(s) submits that Sarwar Khan @ Roshan Ali-petitioner (in CRM-M-19853-2019) was the driver of truck bearing registration No. GJ-8Y-5314, owned by petitioner No. 1-Mobin (in CRM-M-3696-2020). It is a case of highway robbery. Valued of the robbed copper wire was ₹2.5 crores, out of which ₹ 20,50,000/- came to the share of petitioner No. 1-Mobin.

Having given thoughtful consideration to the rival

submissions, this Court is not inclined to grant bail to the petitioners, inasmuch as, they have committed very heinous crime of highway robbery.

Dismissed.

June 25, 2020
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No