

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

CRM-M No.13055 of 2020(O&M)

Date of decision: 28.5.2020

Kamaljeet

.....Petitioner

VERSUS

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Ramesh Kumar Dhiman, Advocate for the petitioner.

Mr. Apoorv Garg, DAG Haryana.

REKHA MITTAL, J. (Oral)

The petitioner prays for grant of bail in anticipation of arrest in FIR No.581 dated 12.12.2019 registered with Police Station Sadar Thanesar, District Kurukshetra for offence punishable under Sections 392/34 of the Indian Penal Code, 1860 (in short 'IPC') (offence under Section 397 IPC added later).

Counsel for the petitioner would argue that the petitioner is not named in the FIR and sought to be indicted in the crime on the basis of statement of co-accused arrested in the case. It is further argued that accused arrested in the case has been allowed regular bail by the Court below. The last submission made by counsel is that the petitioner is ready to join investigation and cooperate throughout.

Counsel representing State of Haryana, on the other hand, has opposed the prayer for grant of bail with the submission that petitioner

along with his co-accused committed a serious offence, in view of allegations raised in the FIR lodged at the behest of Chander Bhan Pandey presently resident of Kishangarh, Chandigarh who had taken lift in vehicle No.HR01-AS-2924 on payment basis due to non-availability of any other source of transportation at 10:30 PM on the fateful day of 03.12.2019. It is further argued that statement of co-accused inculcating himself and other is admissible under Section 30 of the Indian Evidence Act, 1872.

The complainant lodged FIR on the allegations that when the aforesaid car reached near Kurukshetra, occupants of the car represented that they will go by a short route. When they reached near Airport Chowk, the accused kept *talwar* on his neck and due to situation created by them he handed over Rs.5000/- in cash and his mobile phone to the accused. Later, he managed to withdraw Rs.1000/- through ATM and reached his house.

Taking into consideration the seriousness of allegations against the petitioner coupled with that there is nothing on record suggestive of the fact that the petitioner has been falsely indicted in the crime on account of some extraneous consideration, he does not deserve to be extended benefit of bail in anticipation of arrest, a concession to be allowed in special circumstances where the Court is convinced that a false case has been registered on account of political vendetta or extraneous considerations.

Dismissed.

MAY 28, 2020

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned :

yes/no

Whether reportable :

yes/no