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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No.20628 of 2020 IN/AND
CRM-M No.15720 of 2020 (O&M)
Date of decision: 28.08.2020

Sarthak @ Shyam

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Sandeep Lather, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN J. (Oral)

CRM-20625-2020

Heard.

Allowed as prayed for.

CRM-20626-2020

Heard.

Allowed as prayed for.

Documents (Annexures P-5 to P-7) are taken on record,
subject to all just exceptions.

CRM-20628-2020

Prayer in this application is for preponing the date of
hearing fixed in the main petition.

Counsel for the applicant/petitioner submits that he is
ready to argue to main petition.

Heard.

For the reasons stated in the application and in view of the
submission made by counsel for the applicant/petitioner, the same is
allowed and the main case is taken up today for hearing.

CRM-M-15720-2020 (O&M)

Prayer in this 2nd petition is for grant of regular bail to the

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petitioner in FIR No.349 dated 16.06.2019 registered under Sections 394 IPC and 25 of the Arms Act, which was later on converted in Sections 397 and 120-B IPC and Section 25 of the Arms Act at Police Station City Jind, District Jind.

As per the allegations in the FIR, registered at the instance of one Raju, he had gone to District Jind for collecting money from different shops and after collecting Rs.1.5-2.0 lacs, he was going towards the bus stand on a rickshaw. In the meantime, two young boys came on a motorcycle and tried to snatch his bag but he did not leave the bag and thereafter, one of the boy fired a shot on his leg and due to the injury sustained by him, he could not hold the bag and after snatching the bag, they fled away from the spot. Later on, the victim was admitted in government hospital, Jind.

The police, during the investigation, arrested the petitioner namely Sarthak @ Shyam and on his disclosure statement, another accused namely Ashwani @ Ashu was arrested. He has also made a disclosure statement that on the date of incident, he was with the petitioner at the time of the incident.

Counsel for the petitioner has argued that the co-accused of the petitioner, who was also nominated on the statement of the petitioner has been granted the concession of bail as well as the co-accused of the petitioner namely Ashwani @ Ashu has also been granted the concession of bail.

Counsel for the petitioner has further submitted that the petitioner is in custody since 21.06.2019; the investigation is complete; challan stands presented and it will take some time in conclusion of the trial.

In reply, counsel for the State has, however, opposed the prayer for bail on the ground that the petitioner is involved in two more FIRs though, he is on bail but they are of similar nature.

Counsel for the State has also filed the affidavit of the Deputy Superintendent of Police, City Jind wherein based upon the investigation, it is stated that on 22.06.2019, the petitioner in pursuance of his disclosure statement got recovered a pistol used in the crime,

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Rs.25,380/- out of the robbed amount and a motorcycle, which was used for committing the crime. Again, the petitioner suffered a supplementary statement and recovered another amount of Rs.30,000/-.

Counsel for the State has, thus, argued that considering the antecedents of the petitioner, who is involved in two more FIRs, the petitioner is a habitual offender and in the instant case, he is the main accused, who has caused fire arm injury on the leg of the complainant while snatching the bag full of amount.

After hearing the counsel for the parties, considering the fact that two disclosure statements of the petitioner are followed by the recovery of a pistol, motorcycle and the robbed amount, at this stage no ground for grant of bail to the petitioner is made out.

Dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

28.08.2020

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No