

219

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

**CRM-M No.20002 of 2020(O&M)
Date of Decision: 10.08.2020**

Naveen Budhwar

.....Petitioner

Vs

State of Haryana

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. G.S. Sandhu, Advocate
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video-conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.183 dated 31.05.2019 registered under Sections 379-B, 395, 397, 120-B IPC and Section 25 of the Arms Act at Police Station Arya Nagar, Rohtak, District Rohtak.

The FIR was registered at the instance of Gaurav with the allegations that the complainant is working as Cashier in E-Pay Infoserve Pvt. Ltd. since one year. The duty of the

complainant is to collect cash in electricity office and deposit the same in the bank. On 31.05.2019 at about 8:30 AM, the complainant had come to the duty at SDO No.2 and the bills were deposited with him by the customer. Thereafter, the complainant along with his friend Parvesh left from the office on feet with an amount of Rs.4,32,240/- and one laptop. When they reached in front of office of S No.4, then four boys came to them. One of them was on bike. Out of four boys, one boy pointed pistol towards the complainant and second boy snatched the bag. When the complainant tried to get his bag back, then third boy gave rod blow and they tried to run him over with motorcycle. The friend of the complainant tried to close the gate, but fourth boy started beating him. Thereafter, all the four boys ran away from the spot on bike along with the bag containing cash and laptop.

Learned counsel for the petitioner submitted that the petitioner is not named in the FIR. He has been nominated on the basis of disclosure statements of Pankaj Budhwar and Mohit @ Shooter. Thereafter, an amount of Rs.50,000/- was recovered from him. The said amount is claimed to be booty towards the share of the petitioner. During investigation, three persons namely Manoj @ Sunda, Himanshu and Parveen @ K.D. were arrested on 05.06.2019 and offences under Sections

395 and 397 IPC were added on 10.06.2019. Thereafter, two persons namely Pankaj Budhwar and Mohit @ Shooter were arrested through production warrants on 10.07.2019. Offence under section 412 IPC was added on 10.07.2019. Thereafter, one more person namely Sanjay @ Leda was arrested on 20.07.2019. There was enlargement in the composition of the accused beyond four persons. Six persons were arrested as against four persons named in the FIR. In the disclosure statements of Pankaj Budhwar and Mohit @ Shooter, the petitioner was nominated. The allegations are that the amount and the bag were handed over to the present petition. Petitioner was arrested on 15.01.2020 and recovery was effected after eight days of the occurrence. The supplementary statement of the complainant was recorded on 05.06.2019 after five days of the alleged occurrence, still the petitioner was not named by the complainant. Co-accused Himanshu and Parveen @ K.D have been granted regular bail by the High Court in CRM-M No.52629 of 2019 and CRM-M No.3209 of 2020 vide orders dated 07.01.2020 and 24.06.2020 respectively.

Per contra, learned State counsel contended that the investigation has been completed and challan has been presented to the Court on 30.08.2019. Charges have not been framed so far. Petitioner is having antecedent behaviour of the

criminal activities as he was involved in seven more cases.

Learned counsel for the petitioner strongly opposed the aforesaid statement by submitting that petitioner has been acquitted in three cases. In other three cases, he is on bail and in one case under Section 174-A IPC, he has already undergone the sentence. In FIR No.675 dated 13.11.2018 under Sections 307, 385, 506, 511 IPC registered at Police Station Shivaji Colony, Rohtak, the petitioner was granted anticipatory bail by the High Court. Co-accused Ankit has also been granted regular bail by the High Court vide order dated 14.07.2020 passed in CRM-M No.16510 of 2020.

Taking into consideration the aforesaid facts and circumstances of the case and without meaning anything on merits of the case, at this stage, petitioner is directed to be released on regular bail subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

10.08.2020

Prince

Whether speaking/reasoned
Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No
Yes/No