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

* * *

CRM-M-23692-2020

Date of Decision: 7.10.2020

Ajrudeen @ Ajru

Petitioner

Versus

State of Haryana

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Ms. Vanita, Advocate for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana.

* * *

AVNEESH JHINGAN, J. (Oral)

[1] The matter is taken up for hearing through video conference due to COVID-19 situation.

[2] This is a petition filed being aggrieved of order dated 16.06.2020 passed by the Additional Sessions Judge, Jind rejecting the regular bail in FIR No.339, dated 19.12.2019 under Sections 379-B, 120-B, 201 and 411 of IPC registered at Police Station City Narwana, District Jind.

[3] The FIR was registered at the instance of Vikram Singh against the unknown persons. The allegations were that he was serving at Goyal Service Station, Narwana. On 19.12.2019, he was going to deposit cash in Axis Bank, Narwana. On the way to the bank, three youngsters came on the motorcycle with muffled faces and carrying *dandas*. They hit the motorcycle against the bike of the complainant, gave beating, snatched cash and fled away, there was CCTV footage of the incident available with the police. During the investigation, Amit @ Meet, Amit @ Anta and Ajay @ Chotia were named. The name of the petitioner surfaced in the disclosure statement. As per the prosecution, Rs.50,000/- was the share of the petitioner in the snatched amount. Out of the said amount, Rs.15,000/- was

recovered from him, Rs.15,000 he had spent and Rs.20,000/- he has given to his brother namely Saleem. His brother Saleem was also made accused.

[4] Learned counsel for the petitioner submits that the petitioner was not named in the FIR. He was not present at the time of incident as is evident from the CCTV footage. It is only in the disclosure statement made before the police that his name surfaced that is not a substantial basis of evidence. Further she relied on the fact that the co-accused Saleem, brother of the petitioner was granted bail on 16.03.2020.

[5] Learned State counsel submits that the petitioner was named in the disclosure statement and recovery of Rs.15,000/- was made from him. He on instructions from, ASI Dilbag Singh, fairly submits that there is no case pending against the petitioner. He further submits that challan has been presented and charges framed but no witnesses have been examined.

[6] Considering that during the pendency of the trial, the general rule is bail and not jail. Investigation in the present case is complete, the conclusion of the trial is likely to take time. The emerging of the name of the petitioner in the disclosure statement made to the police itself makes *prima facie* arguable issue for the petitioner. Even as per the State counsel, there is no case pending and no further recovery is to be made.

[7] The petitioner is granted bail subject to furnishing bail bonds to the satisfaction of the concerned Chief Judicial Magistrate.

(AVNEESH JHINGAN)
JUDGE

7th October, 2020

pankaj baweja

Whether speaking/reasoned: YES / NO

Whether reportable: YES / NO