

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

CRM-M-28476-2020 (O&M)

Date of decision: 29.10.2020

Rahul @ Khinu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Sukhwinder Singh, Advocate for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

This petition for regular bail has been filed by petitioner Rahul @ Khinu, aged about 20 years, an accused in FIR No.0067 dated 19.09.2019, for offences under Sections 379-B, 201, 411 and 120-B IPC, registered with Police Station Mansa Devi Complex, Panchkula.

Briefly stated facts of the case as per prosecution story are, that on 18.09.2019 at about 8.30 PM, complainant Amandeep Saini working as a delivery boy in Zomato company was going on his Activa scooter to Mahindra Tech for delivery of the food as per order; when he had reached near Shiv Mandir, MDC, Sector-6, Panchkula, then suddenly, three boys stopped his scooter and started beating him up; they snatched his mobile phone and purse carrying driving license, ATM card, Aadhar card, Pan card and Rs.500/-; they caused injury on his leg with a

sharp weapon; on matter being reported to the police by the complainant, formal FIR was registered; investigation in the case started; petitioner was nominated as one of the culprits involved in the incident; he was arrested in this case on 24.10.2019.

Petitioner/accused had filed a petition for grant of regular bail before the Court of Sessions at Panchula, which was declined by Addl. Sessions Judge, Panchkula, vide order dated 06.06.2020. Feeling aggrieved, he has knocked at the door of this Court, craving for grant of similar relief, which request is being opposed by learned State counsel.

I have heard learned counsel for the parties besides going through the record and I find that no case for grant of regular bail to the petitioner is made out. Though, the petitioner is not named in the FIR but that does not lessen the gravity of the offence. The purpose of lodging the FIR is to set the criminal machinery in motion and it may not contain detailed version of the incident. Here the complainant was not previously known to the assailants, therefore, he could not possibly give their names and other details, though, after registration of the FIR when the matter was investigated, the things started getting unfolded and the identity of the assailants/culprits came to be known. Furthermore, the petitioner cannot take advantage of the fact that his name cropped up during the disclosure statement of co-accused. Such disclosure statement of co-accused can definitely be taken into consideration for providing lead in the investigation and even otherwise, such statement is admissible under Section 30 of the Indian Evidence Act, if it affects the accused making it besides the other person named by him. When the petitioner was arrested,

then purse and Aadhar card of the complainant, which had been snatched from him in the incident, were recovered from the present petitioner on 25.10.2019, that goes to show his involvement in the incident. He along with his co-accused had also demarcated the place of occurrence. After completion of the investigation, the challan in the case is said to have been filed. The trial is at the initial stage, though, charge is said to have been framed against the accused but the prosecution witnesses are yet to be examined. The proceedings in the trial Court are said to have been delayed on account of restricted functioning of the Courts due to outbreak of COVID-19 disease. Now the physical hearings in the Courts at district level are getting resumed. Since, the material witnesses including the complainant are yet to be examined, if released on bail, there is reasonable possibility of the petitioner trying to give threat and inducement to the prosecution witnesses and making efforts to abscond even. Therefore, no ground for grant of regular bail to the petitioner is made out. The petition being without merit stands dismissed.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

29.10.2020

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No