

205 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29817-2020
Date of Decision: 01.10.2020

SALAUDDIN

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Manish Soni, Advocate for the petitioner.

Mr. Amrik Singh Narwal, DAG Haryana.

*(The case has been taken up through video conferencing on
account of Covid-19 pandemic)*

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VIVEK PURI, J. (ORAL)

The petitioner has prayed for grant of regular bail in case FIR No.413 dated 7.12.2017, under Sections 379B (Sections 201, 420, 489, 412, 392 read with 397 IPC added later on) registered at Police Station Rajendra Park, Gurugram District Gurugram.

Briefly, the FIR has been registered on the basis of the statement of Ajit Singh alleging that on 6.12.2017 he was present at Pataudi Chowk along with his pick-up vehicle bearing Regn. No. HR55-AB-5277. At about 8 P.M., 3 young persons arrived at the spot and told the complainant that they have to pick the luggage from Village Daultabad and they sat in the vehicle. When they reached Sector road Dharampur Chowk, he stopped the vehicle for the purpose of urinating. All the 3 occupants of the vehicle came down and manhandled the complainant who was made to sit on the other side of the vehicle. One of the assailants started driving the

vehicle. The complainant was also threatened with a weapon and asked to sit quietly. The hands of the complainant were tied with rope and later on he was thrown at an isolated place and the assailants took away the vehicle.

It has been contended by learned counsel for the petitioner that he has not been named in the FIR and has been implicated with regard to the commission of offence under Section 412 IPC but no case of dacoity is made out in the instant case.

On the contrary, learned State counsel has argued that this is fourth bail application filed on behalf of the petitioner and the last one has been dismissed as withdrawn recently on 14.7.2020. It has been further stated that petitioner is involved in two other cases; one under Section 379 IPC in Delhi and another under Section 74A IPC. It has been further stated that petitioner has been nominated on the basis of the disclosure statement of the co-accused. One accused namely Vinod has been convicted. The petitioner remained proclaimed offender and subsequent to his arrest, supplementary challan has been presented against him. Moreover, he is a party to the conspiracy in snatching the vehicle. Furthermore, the vehicle has been recovered from the garage of the petitioner. Besides, chasis and engine number were deleted and fictitious number has been engraved.

In the instant case, the petitioner remained proclaimed offender. It is not a case that he has surrendered himself but was arrested subsequently. Supplementary challan has been presented against him. This is the fourth bail application filed on behalf of the petitioner and the last one has been dismissed as withdrawn on 14.7.2020. The petitioner has evaded the process of law and remained proclaimed offender. Moreover, the vehicle which has been snatched has been recovered from the garage of the petitioner. The

chasis and engine number were tampered with which aggravates the gravity of the allegations. The material on record is indicative of active connivance of the petitioner in committing the crime. The release of the petitioner on bail shall be detrimental to the interest of the society and chances of repetition of offence cannot be ruled out.

Keeping in view the entire circumstances of the case, no justified ground is made out to grant the regular bail to the petitioner.

For the aforesaid reasons, the present petition is dismissed.

01.10.2020

Janki

**(VIVEK PURI)
JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No