

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

CRM-M-31091-2019 (O&M)
Date of decision: **6.10.2020**

AMIT @ DHARE

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Ravinder Phogat, Advocate
for the petitioner.

Mr. Karan Sharma, AAG, Haryana.

(Proceedings conducted through video conferencing).

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of regular bail in a case registered against him vide FIR No.51 dated 15.2.2018 under Sections 341, 365, 395, 379 IPC & Section 25 of Arms Act at Police Station Khaidki Daula, District Gurgaon.
2. The FIR was lodged at the instance of Rajeev Dube where it is alleged that he has been plying Scorpio vehicle belonging to Krishan Kumar Sharma. It is alleged that on 14.2.2018 when he was travelling from Manesar to Sikanderpur, then a white coloured Scorpio overtook his vehicle and 6 persons alighted from the said vehicle and one of them pointed a pistol on the head of the complainant and they all sat in the complainant's vehicle. It is alleged that the said persons snatched Scorpio

vehicle along with mobile phone of the complainant and also an amount of ₹2,200/- and later dropped him opposite to a school from where the complainant inquired about that place and informed the owner of the vehicle regarding snatching of his vehicle.

3. Learned counsel for the petitioner has submitted that he is not named in the FIR and came to be nominated as an accused subsequently on the basis of alleged disclosure statement made by the petitioner himself while he was in custody in an another case. It is further submitted that the petitioner in any case has been behind bars since last more than 2 ½ years and as such he deserves to be released on bail since trial is not making any headway.
4. Opposing the petition, the learned State counsel upon instructions from ASI Om Prakash has submitted that since the petitioner happens to be involved in as many as 9 other cases, no case for grant of bail is made out. Learned State counsel has however informed that the petitioner indeed has been behind bars since last more than 2 ½ years and that as on date only one PW out of cited 15 PWs has been examined.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the facts and circumstances of the case and while bearing in mind that the petitioner has been nominated as an accused on the basis of alleged disclosure statement and while noticing that the petitioner as on date has been behind bars since last more than 2 ½ years and trial in its normal course is not likely to be concluded shortly as only 1 out of cited 15 PWs has been examined, further detention of the

petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

6.10.2020
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**