

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of Decision: 07.01.2020
CRM-M-54377-2019

Ajmer alias Bunty

... Petitioner

vs.

State of Haryana

.. Respondent

CRM-M-54481-2019

Vikas alias Vikku

... Petitioner

vs.

State of Haryana

.. Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. L.S.Sidhu, Advocate
for the petitioner in CRM-M-54377-2019.

Mr. S.K.Verma, Advocate
for the petitioner in CRM-M-54481-2019.

Mr. Parveen Aggarwal, Deputy Advocate General, Haryana.

VIVEK PURI, J.(ORAL)

This order of mine shall dispose of above-said two petitions
filed under Section 439 Cr.P.C.

2. Briefly as per the allegations of the prosecution, four persons,
namely, Prince, Vivek @ Vicky, Mandeep and Tushar had hired a vehicle
from the complainant, who was working as a Driver and plying the vehicle
from Ola Cab. The vehicle was firstly taken from Delhi to Rohtak and,
thereafter to Jind. Thereafter, the vehicle was taken to a distance of about
15/20 kilometers from Jind and in a rural area through a link road. The
occupants of the vehicle alighted and were in intoxicant condition. They
again requested the complainant to proceed a little ahead and got into the
vehicle. After travelling for some distance, the vehicle was again stopped by

them on the pretext of urinating. One of the occupants gave pistol butt blow on the head and the other occupant caused injury on the left arm and left hip, with knife, to the complainant. They also snatched the cash amounting to ₹14,800/-, mobile phone, hired vehicle and GPS attached phone. The complainant was put in the *diggi* of the car and after covering a distance of about 4/5 kilometers, the complainant was tied with a tree. An alarm was raised and passers by untied the complainant and the matter was reported to the police.

3. It has been stated by learned counsel for the petitioners that none of the accused were named in the FIR. During the course of investigation, Prince, Vivek @ Vicky, Mandeep and Tushar were arrested. The pistol was recovered from Vivek @ Vicky and knife was recovered from Mandeep. The car was also recovered as it was lying abandoned. Petitioners Ajmer @ Bunty and Vikas @ Vikku have been nominated on the basis of disclosure statement of Vivek @ Vicky (co-accused). The injuries on the person of the complainant have been declared to be simple in nature.

4. Learned State counsel has not disputed the factual position and has only stated that cash of ₹1,000/- each was recovered from the petitioners alongwith the motorcycle on which they arrived later on, on receiving the call from co-accused Vivek @ Vicky.

5. In the instant case, the petitioners had neither actually hired the vehicle nor travelled therein. Even no injury has been attributed to them. They have been nominated on the basis of disclosure statement made by co-accused. The complainant/injured is stated to have been discharged from the hospital. The arrest of the petitioners was effected on 17.06.2019. Investigation of the case is complete and challan has already been presented

in the Court.

6. In these set of circumstances, sufficient grounds are made out to grant the bail to the petitioners. Accordingly, both the petitions are allowed and petitioners are directed to be released on bail, subject to their furnishing bail/surety bonds to the satisfaction of Chief Judicial Magistrate/trial Court/Duty Magistrate concerned.

(VIVEK PURI)
JUDGE

07.01.2020

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