

232

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

(Through video-conferencing)

CRM-M No.3632 of 2021

Date of Decision: 01.09.2021

SOMBIR

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Parveen Sharma, Advocate
for the petitioner.

Mr. Anant Kataria, D.A.G., Haryana.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.470 dated 02.10.2020, registered under Sections 379-A IPC and Section 25 of the Arms Act (Sections 379-B, 411, 392, 397, 120-B and 201 IPC were added later on) at Police Station Sadar Sonapat, District Sonapat.

As per allegations, the FIR was registered on 02.10.2020 under Sections 379-A, 379-B, 392, 397, 120-B, 201. 411 IPC and under Section 25 of the Arms Act at Police Station

Sadar Sonapat, District Sonapat. The complaint was moved by the complainant with the allegations that on 02.10.2020, he along with his friend Manoj had gone to attend the retirement function of father of Manoj in his car. At 2.15 A.M., he came back and was in the process of sitting in his car, then three unknown boys came on a motorcycle and snatched his car on pistol point. They also snatched Rs.10,000/- besides mobile phone make Oppo having sim card numbers 9813664560 and 7988779798. They took away the documents of the car and other ID proofs which were kept in the car.

The aforesaid three persons ultimately came to be known as Naveen, Mandeep and Yogesh. During investigation supplementary statement of the complainant was recorded (though the date of recording supplementary statement has not come forth on record in view of status report filed by way of affidavit of Satish Kumar, HPS, Deputy Superintendent of Police, Sonipat). In the supplementary statement, 4th assailant was also named which was standing behind his car. The complainant also changed the version to the effect that one of the assailants was having knife in place of pistol. Co-accused Naveen, Mandeep and Yogesh were arrested on 04.10.2020 and their disclosure statements were recorded. Petitioner has been nominated on the basis of disclosure statements of co-

accused. Petitioner was arrested on 05.10.2020 and his disclosure statement was also recorded. Petitioner is accused of hatching conspiracy to commit snatching of the car as all the accused were to go to Haridwar and for that purpose they planned to snatch the car and in execution thereof, they were successful.

The role attributed to the petitioner is that he was standing at the outer road of Sector 15, Sonipat and at the time of incident, he was standing at the spot for keeping the watch over the proceedings.

Learned counsel for the petitioner submits that nothing has been recovered from the petitioner. The allegation of hatching conspiracy would remain debatable and would depend upon the nature of evidence to be led by the parties during trial. Petitioner is in custody since 05.10.2020. Charges have been framed. No PW has been examined so far.

Learned State counsel however opposed the bail on the ground that the petitioner is one of the conspirators and actively participated in the occurrence. Though no recovery has been effected from him, but he is member of the gang.

Having heard learned counsel for the parties and keeping in view the alleged role attributed to the petitioner and

his nomination in the disclosure statements of co-accused as well as on the basis of supplementary statement of the complainant, his complicity would be debatable.

At this stage, without adverting anything on the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

September 01, 2021	(RAJ MOHAN SINGH)
<i>Atik</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No