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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.4440 of 2021 (O&M)

Date of decision: 29.01.2021

Pawan

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Pradeep Chhoker, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. AG, Haryana.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this 2nd petition is for grant of anticipatory bail to the petitioner in FIR No.32 dated 18.09.2019 registered under Sections 378-B IPC (Sections 395, 397, 412, 120-B IPC added later) at Police Station HSIIDC Bari, Sonapat.

The only new ground for filing this 2nd petition is that some of the co-accused of the petitioner, who have been arrested, have been granted the concession of regular bail.

For the sake of brevity, facts are not reproduced again as the earlier petition was dismissed vide order dated 20.08.2020, passed in CRM-M No.12061 of 2020, by passing the following order:-

“Counsel for the petitioners has argued that as per the allegations in the FIR, registered on the statement of one Ashishi Hemchander Manjrekar, it is stated that he is resident of Mumbai and is running a courier business. His two employees namely Kewa Ram Dewasi and Mahinder Patel worked at Chandni Chowk, Delhi. On 16.09.2019, he had sent them to Samalkha for collecting payment from one Vijender and after collecting Rs.11 lacs in cash, they

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left for Delhi in a taxi. Near village Bari, Ganaur at G.T. Road, a white colour car Hyundai Verna, which was not having any registration number plate came from the backside and stopped their car. 04 boys alighted from the same, who were armed with weapons and 02 boys were pointing pistols on Kewa Ram Dewasi and Mahinder Patel and snatched the bag containing Rs.11 lacs and in the said process, they caused injury to Kewa Ram Dewasi on his foot with a lathi and ran away towards Delhi.

The common argument raised by counsel for the petitioners is that there is a delay of 02 days in registration of the FIR and it was not got registered by two persons, who were the victims.

Counsel for the petitioners on behalf of the petitioner – Pawan has submitted that during the investigation of FIR No.1055 dated 06.11.2019, Police Station Chandni Bag, Panipat, Anil @ Aman @ Chotu, Pardeep, Parmod, Tejbir @ Teja, Jitender @ Sonu, Arun @ Anu and Afsar were arrested and they suffered disclosure statement with regard to commission of the offence in the present case. After their production warrants were obtained from the Illaqa Magistrate, the statement of the victims were recorded and the supplementary statement of the complainant was also recorded in which he stated that in fact a sum of Rs.1.50 crores was snatched. Thereafter, the above-mentioned accused persons were formally arrested in the present FIR and on interrogation, they suffered disclosure statement and admitted commission of offence.

Counsel for the petitioners has further submitted that it has come in the disclosure statement of Parmod that he handed over Rs.9.34 lacs to his father i.e. co-accused Mange Ram and Arun handed over Rs.18.50 lacs to his father namely Satyawar, Pardeep stated that he handed over Rs.1.70 lacs to his brother – Ravi and Anil disclosed that he handed over Rs.8.91 lacs to his brother – Pawan and Afsar disclosed that he gave Rs.2.10 lacs to accused Farman.

Counsel for the petitioners has also submitted that they were not named in the FIR and their names surfaced during the disclosure statement of the other co-accused.

Counsel for the petitioners has further submitted that in pursuance to the order dated 08.05.2020, he has joined the investigation.

Similar argument was raised on behalf of the

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petitioner – Ravi and it is also stated that in pursuance to the order dated 09.07.2020, he has joined the investigation.

Counsel for the petitioners on behalf of the petitioner – Farman has stated that his name has surfaced in the 3rd disclosure statement and he has also joined the investigation. Lastly, it is stated on behalf of the petitioners that the anticipatory bail of one of the co-accused namely Mange Ram, stands allowed.

Counsel for the State has filed the affidavit of the Deputy Superintendent of Police, Headquarter, Sonapat and has opposed the prayer for bail on the ground that despite the interim bail, the petitioners have failed to co-operate and no amount was recovered as they made the statement that they had given the amount to other persons.

Counsel for the State has, however, submitted that the previous disclosure statement referred to in the notice of motion order was in the other FIR and after the production warrants of the accused arrested in the other FIR, were obtained and they were formally arrested in the present FIR, they have named the petitioners.

Counsel for the State assisted by counsel for the complainant has also submitted that the accused – Parmod has handed over the amount to his father – Mange Ram and similarly, Arun also disclosed having handed over the amount to his father – Satyawar, Pardeep disclosed about handing over the amount to his brother – Ravi and similarly, Anil disclosed of having given the amount to Pawan and Afsar also disclosed having given some amount to accused – Farman.

Counsel for the complainant further argued that all the petitioners – Ravi, Satyawar, Pawan and Farman, have shared the amount looted from the victims and they have been named by the their own siblings i.e. either brother or father. It is further submitted that the accused persons have failed to get the balance amount recovered, though, from the accused arrested, an amount of rupees more than 1 crore was recovered.

Counsel for the State assisted by counsel for the complainant has also submitted that from the accused persons, who stands arrested, two cars and a motorcycle along with currency notes, were recovered and even the weapons have been recovered. It is further argued that the accused persons arrested in the case are involved in number of cases and there is evidence against the

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petitioners of harboring them as they have even get the looted amount with them and have not got the same recovered.

Counsel for the complainant has also argued that the order dated 24.06.2020 granting bail to co-accused Mange Ram vide CRM-M No.16415 of 2020, was on account of the fact that the petitioners herein, were granted interim bail and the said petition was disposed of on the first day of hearing without asking for the affidavit of the Investigating Officer about the role of said accused – Mange Ram, against whom there are allegations that his son co-accused Parmod handed over Rs.9.34 lacs to said Mange Ram, apart from Parmod himself got recovered Rs.11,60,750/- and therefore, the said amount is yet to be recovered from co-accused Mange Ram and therefore, the order dated 24.06.2020 allowing the petition of co-accused Mange Ram on the first day of hearing, is not justified.

After hearing the counsel for the parties and considering the serious allegations against the petitioners and the co-accused, who were involved in number of similar cases, I find no merit in these petitions.

The disclosure statement on the basis of which the petitioners have been nominated are not of any stranger and has come from the mouth of either the son or the real brother. The co-accused, who have been arrested in another FIR, have already got recovered the amount of Rs.1 crore and have specifically stated that huge amounts was handed over to the present petitioners and therefore, the involvement of the petitioners in the present FIR, cannot be ascertained without the custodial interrogation of the petitioners. Considering the serious allegations that a highway robbery was committed at National Highway in which more than Rs.1.50 crores was looted from 02 persons by causing injuries, upon consideration of the affidavit of the Deputy Superintendent of Police, Sonapat, I find no ground to grant anticipatory bail to the petitioners.

Accordingly, the present petitions are dismissed.”

Counsel for the State has however, submitted that now P.O.

Proceedings have been initiated against the petitioner as he is evading his arrest.

After going through the earlier order dated 20.08.2020,

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dismissing the bail application and in view of the serious allegations against the petitioner, mere fact that some of the accused have been granted the concession of regular bail, the counsel for the petitioner wants to re-argue the entire case, which has already been considered.

Finding no new ground in the petition and in view of the fact that P.O. proceedings have been initiated against the petitioner, this petition is, accordingly, dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

29.01.2021

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No