

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

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CRM-M-7207-2021 (O&M)

Date of Decision: 07.09.2021

Vikas @ Vicky

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Abhimanyu Singh, Advocate,
for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana,
assisted by ASI Mahinder Pal.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No.362, dated 14.08.2019, Police Station Sadar Thanesar, District Kurukshetra, under Sections 341, 395, 397, 473, 474, 201 IPC (Sections 397, 473, 474, 201 IPC added later on and Section 25 of Arms Act has been deleted).
2. The FIR was lodged at the instance of Krishan, wherein it is alleged that on 13.08.2019 he handed over an amount of Rs.8 lakhs, wrapped in a newspaper to his driver of truck bearing registration No.WB-11-B-7386 namely Amit Kumar for the purpose of getting Soya. It is further alleged that another amount of Rs.11,500/- was also given to him for the purpose of expenses as the said Soya was to be brought from Ludhiana. It is alleged that at

about 10.57 pm the complainant's driver namely Amit Kumar rang him up and informed that a white coloured Scorpio vehicle had stopped his truck and that 6 occupants of the said vehicle, who were armed with deadly weapons, had snatched the truck and also the amount being carried by the driver Amit and his co-driver Vinod Kumar.

3. Learned counsel for the petitioner has submitted that he is nowhere named in the FIR and has been nominated as an accused on the basis of his own disclosure statement while he was already in custody in connection with another case. It has been submitted that apart from his own disclosure statement, there is no other evidence to corroborate the said disclosure statement and in these circumstances, no evidentiary value can be attached to such disclosure statement.
4. Opposing the petition, learned State counsel has submitted that since a country-made pistol and an amount of Rs.2 lakhs was recovered pursuant to the disclosure statement of accused, his complicity in the entire incident is clearly evident. It has also been informed that the petitioner stands involved in 4 other cases and is, thus, a habitual offender. Learned State counsel has further informed that the petitioner as on date has been behind bars since the last 1 year and 11 months and that as on date only 1 PW out of cited 26 PWs has been examined.
5. I have considered rival submissions addressed before this Court.

6. The petitioner has been nominated on the basis of his own disclosure statement, the admissibility of which would certainly be debatable especially in the absence of other clinching evidence. In any case, the petitioner has been behind bars for a substantial period of 1 year and 11 months and the trial is likely to consume some time as till date only 1 PW out of cited 26 PWs has been examined. Four other co-accused, out of the total six accused, have already been granted bail. In these circumstances, 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.

07.09.2021

Vimal

**(GURVINDER SINGH GILL)
JUDGE**Whether speaking/reasoned: **Yes/No**Whether reportable: **Yes/No**