

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

CRM-M-7447 of 2021

DECIDED ON: 24th FEBRUARY, 2021

Bittu @ Shankar

.....PETITIONER

VERSUS

State of Haryana

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Tejinderbir Singh, Advocate for petitioner.

Mr. Deepak Bhardwaj, DAG Haryana.

AVNEESH JHINGAN, J (ORAL)

The matter is taken up for hearing through video conference due to COVID-19 situation.

This is a petition seeking regular bail in FIR No. 413 dated 29.9.2018 under Sections 25 of Arms Act, 1959 and Sections 201/34, 392, 417, 216 of Indian Penal Code, 1860, registered at Police Station City Tohana, District Fatehabad.

The FIR was the behest of Udeek Singh. The allegations were that on 29.9.2018 at about 7:40 p.m. his car bearing registration No. PB-31-K-4358 was stopped by two boys. On refusal to give them lift, car was snatched at gun point. It was alleged that mobile was also there in the car.

Learned counsel for the petitioner submits that the petitioner is in custody since 17.10.2018, investigation is complete and challan has been produced. It is further submitted that disclosure statement was taken when petitioner was already in custody in some other case. The contention is that

two eye witnesses have not identified the petitioner.

Learned State counsel states that the petitioner has been duly identified by the complainant and the snatched car was recovered at the instance of the petitioner. The contention is that petitioner is a habitual offender.

Learned counsel for the petitioner rebutted the arguments of habitual offender and submits that the petitioner was acquitted in three cases.

The present case is not a case based on disclosure statement only. There was recovery of the snatched car at the instance of petitioner. The allegations against the petitioner are serious. The complainant is yet to be examined. Mere period of custody itself would not be a ground to grant bail. Moreover, this is a case of snatching of car at gun point.

The petition is dismissed accordingly.

However, it is clarified that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

24th FEBRUARY, 2021

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**(AVNEESH JHINGAN)
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>Yes</i>