

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

I) CRM-M-20048-2021 (O&M)

Ram Niwas ... Petitioner

Versus

State of Haryana ... Respondent

II) CRM-M-18184-2021 (O&M)

Ravi Singh ... Petitioner

Versus

State of Haryana ... Respondent

III) CRM-M-32264-2021 (O&M)

Bhupendra and others ... Petitioners

Versus

State of Haryana ... Respondent

Date of Decision:-24.9.2021

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Anoop Verma, Advocate,
for the petitioner in CRM-M-20048-2021,
and for the complainant in CRM-M-18184-2021.

Mr. M.D. Khan, Advocate,
for the petitioner in CRM-M-18184-2021.

Mr. Padam Kant Dwivedi, Advocate,
for the petitioners in CRM-M-32264-2021.

Ms. Geeta Sharma, DAG, Haryana.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. This order shall dispose of the above mentioned three petitions filed on behalf of petitioners Ram Niwas, Ravi Singh, Bhupendra, Mohan Singh @ Monu and Kuldeep @ Ravi seeking grant of regular bail in respect of a case registered vide FIR No.0299 dated 15.11.2020 at Police Station Sarai Khawaja, District Faridabad under Section 379-A of Indian Penal Code, wherein offences under Sections 395 and 120-B IPC were added later on.
2. The FIR was registered at the instance of Hari Om Aggarwal, wherein it is alleged that he runs a shop under the name and style of Om Bikaner Sweets at Modband, Delhi. It is alleged that on the day of occurrence i.e. on 15.11.2020 at about 7:45 p.m. when he alongwith his father-in-law was returning back home while carrying the sale proceeds of the day, which were about Rs.3 lakhs in a bag, they were way laid by 3 boys, who came on a pulsar motorcycle and who hit him with their hands on account of which they fell down. The said boys snatched the bag containing cash and fled away from the spot.
3. Learned counsel for the petitioners have submitted that the petitioners are nowhere named in the FIR and have falsely been implicated in the instant case. It has further been submitted that infact the falsity of the case would be

evident that when the complainant stepped into the witness box during the course of proceedings of trial, he did not identify any of the accused.

4. Opposing the petition, learned State counsel has submitted that the petitioners were identified from a CCTV footage in respect of the area outside the shop of the complainant, where the petitioners were seen moving about. Learned State counsel has, however, informed that all the petitioners have been behind bars since the last more than 9 months and that they have clean antecedents.
5. I have considered rival submissions addressed before this Court.
6. It is not in dispute that none of the petitioner is named in the FIR. However, the petitioners have been nominated as the prosecution claims that they were seen outside the shop of the complainant and they were seen moving about as per the CCTV footage. This Court, however, finds that when the complainant stepped into the witness box, he has come out with a version that there were six persons riding two motorcycles, whereas in the FIR he has mentioned 3 persons only, who were riding one motorcycle. Further the complainant has categorically stated that he did not identify the accused. Still further this Court finds that the petitioners have clean antecedents and are not stated to be involved in any other case and have been behind bars since last more than 9 months. In these circumstances, further detention of the petitioners will not serve any useful purpose. All the three petitions, as such, are accepted and the petitioners are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

7. A photocopy of this order be placed on the file of each connected case.

24.9.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No