

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

CRM-M-22676-2021 (O&M)

DECIDED ON: 26th August, 2021

Abhishek alias Sonu

.....PETITIONER

VERSUS

State of Haryana

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Lekh Raj Nandal, Advocate for petitioner.

Mr. Kirpal Singh Thakur, AAG Haryana.

AVNEESH JHINGAN, J (ORAL)

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

This petition under Section 439 Cr.P.C. is filed seeking regular bail in case of FIR No.341 dated 10.10.2020 under Sections 379-A read with Section 34 IPC and 25 Arms Act, 1959 (Sections 201, 379-B, 392, 397 IPC were added lateron), registered at Police Station Rai, Sonipat.

Brief facts are that the complainant Surender had put his car bearing registration No.HR-69-C-0371 for transporting of passengers with OLA. On 9.10.2020, the car was booked for Delhi. The complainant received a call from mobile. The customer called the car driver at Punjab Jayaka Hotel, G.T. Road, Murthal. Two boys boarded the car for Paharganj, Delhi. On the way, the car was refueled. When the car reached near Jindal University road, one of the passenger of the car took control by sitting on the driver seat and

shifted the complainant to rear seat. The other passenger sitting at the rear seat pointed out pistol towards the complainant and directed him to alight from the car near Ladpur. Both the accused took the car and the mobile of the complainant. There was a CCTV footage available of the Raj Filling Station where the car was refueled. During inquiry it was found that Abhishek alias Sonu was arrested in another FIR No. 349 dated 14.10.2020 under Section 25 of Arms Act, Police Station Rai and confessed his involvement in the present incident.

On his disclosure statement in the present case, the stolen car and weapon of offence were recovered. As per the disclosure, the mobile of the complainant was destroyed, hence Section 201 IPC was added.

Learned counsel for the petitioner submits that the petitioner is in custody for the last ten months. The petitioner is not named in the FIR. No recovery was made in the present FIR.

Learned State counsel relying upon the pleading of status report filed opposes the prayer for grant of bail. He submits that the CCTV footage duly certified as per Section 65-B of the Indian Evidence Act, 1872 is available and the petitioner is visible in the CCTV footage. He submits that during investigation it revealed that petitioner along with Vijay @ Jokar committed the offence. It was on the disclosure statement of petitioner that the snatched car of the complainant was recovered. The contention is that if the petitioner is released on bail, there is every chance of influencing the witnesses.

The allegations against the petitioner are serious. There is recovery of unlicensed fire arm and the snatched car. Mere custody period alone cannot be a ground for grant of bail especially considering the gravity of offence. The

petitioner is involved in nine more cases, three are under Section 174-A, 379-B IPC and Section 25 of Arms Act. Involvement of petitioner in other cases, is an indicator of his antecedents.

No case is made out for grant of bail.

Dismissed.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

26th August, 2021
reema

(AVNEESH JHINGAN)
JUDGE

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