

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

**CRM-M-24032-2021
Date of decision: 29.09.2021**

Vivek

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Aakash Dalal, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

(Through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 44 dated 07.02.2020, registered under Sections 394, 397, 201, 34 of the IPC and Section 25 of the Arms Act, 1959 at Police Station Rajendra Park, District Gurugram.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of complainant/victim Manoj Kumar Gupta, it is stated that he was plying his Ertiga car with Ola company and on 14.01.2020, he received a mobile call from a customer, who was asking for a taxi from Railway Station, Gurugram to Delhi. When the complainant reached Railway Station, Gurugram, three young boys boarded his car after keeping a bag in the dicky. On the way, one of the boys assaulted complainant at his ear with a pistol like weapon and other accused held his neck and he was asked to stop the car. Thereafter, the

complainant was made to sit on the rear seat and one of the boys started driving the car and later on, three ATM cards and an amount of Rs. 1800/- were taken and the complainant was tied with a parked trolley and his car and some documents were taken away by the accused persons.

Learned counsel for the petitioner submits that the police, during investigation, arrested co-accused Vivek in another FIR No. 21 dated 27.01.2020; similarly co-accused Vishal was arrested in another FIR No. 44 dated 28.01.2020 and co-accused Baljit Singh was arrested in another FIR No. 29 dated 21.01.2020 and all the three co-accused made disclosure statement admitting their involvement in the present case.

Learned counsel further submits that the car and pistol were recovered from co-accused Vishal and the stolen property was recovered from other co-accused and nothing was recovered from the petitioner.

Learned counsel further submits that though the petitioner is involved in some other cases, however, he is on bail in those cases; he is in judicial custody for the last about 01 year and 06 months and the case is still at the stage of framing the charges and it will take a long time in conclusion of trial.

Learned State counsel, however, opposes the bail on the ground that the statement of the complainant is yet to be recorded and there is a possibility of tampering with the evidence in case the petitioner is released on bail, however, it is not disputed that the case is still at the stage of framing of charges, which is fixed for 18.10.2021. On the basis of the custody certificate, it is also not disputed that petitioner is in judicial custody for the last more than 01 year and 06 months.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the aforesaid submissions of learned counsel for the parties and also in view of the fact that nothing was recovered from the petitioner except that it came that the taxi was booked from the mobile number, which belonged to petitioner, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

29.09.2021

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No