IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Criminal Misc. No.M-39497 of 2021(O&M)
Date of Decision: December 10, 2021

Ankit ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr.Yashveer Kharb, Advocate
for the petitioner.

Mr.Pawan Longia, Sr.DAG, Haryana.

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HARINDER SINGH SIDHU, J.

The petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail in case FIR No.344 dated 28.08.2020 registered under Sections 341, 342, 364A, 379B, 120B, 34 IPC (Charges u/s 395, 397 IPC and Sections 25, 27 and 30 of Arms Act also framed) at Police Station Matlauda, District Panipat.

The case of the prosecution is that the FIR was lodged on the statement of one Shri Kant, who stated that he was working in IOCL Refinery, Panipat. On 04.02.2020 at about 1.00 pm, after finishing his work at IOCL Panipat, he was returning to his home on a scooty. When he reached near village Sethana, a blue coloured Creta car overtook him and blocked his way. Thereafter, when the complainant stopped his scooty by the side of the road, 3 young men came out of the car with weapons. He

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identified one of them as Ankit (petitioner) who was carrying a small pistol in his hand, the other boy namely Dinesh was carrying a rifle in his hand and the third boy namely Monu was having a DBL gun. By pointing their weapons on complainant, they asked the complainant to sit in the car. They snatched his purse which contained valuable documents, Rs.10,000/- and a mobile phone. They started giving him fists and kick blows. They took him to Jyoti Colony, Sector 13-17, where they were joined by 4 persons namely Jasbir Patwari, Monu, Dinesh and Surjeet. These persons were also armed with pistols. They pressurized the complainant to sign certain documents for giving work of labour and vehicle and also the share in the project of the Company. Thereafter, accused left the complainant on Assandh Road. They also handed him back his purse and mobile.

Learned counsel for petitioner states that allegations in the FIR are totally false. The incident allegedly took place on 04.02.2020, whereas, the FIR was lodged on 28.08.2020 i.e. after a delay of about 5 months. Though, it was mentioned in the FIR that the petitioner along with others came in a CRETA car, but recovery of a SWIFT car has allegedly been made by the Police. No recovery of any fire arm weapon has been effected from the petitioner. Co-accused Parveen Kajal, Arun Kali, Raman and Neeraj @ Mohit have already been released on bail.

It is further stated that the investigation is complete. After presentation of challan, charges have also been framed against the petitioner and co-accused. The complainant has been examined. He has not supported the case of the prosecution and was declared as hostile. Petitioner is in custody since 04.09.2020.

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In the circumstances, considering the fact that the petitioner is behind bars for the last more than 1 year & 3 months and also keeping in mind that the trial may take long time to conclude, without commenting anything on merit of case, this petition is allowed. The petitioner Ankit is directed to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

All other Misc. application/s also stand disposed of.

December 10, 2021 **(HARINDER SINGH SIDHU)**
gian **JUDGE**

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No

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