

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

**CRM-M No.40812 of 2020 (O&M)
Date of Decision: 03.02.2021**

Sachin @ Ford

.....Petitioner

**Vs
State of Haryana**

.....Respondent

Proceedings through video-conferencing

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Sudhir Rana, Advocate
for the petitioner.

Mr. Rajat Gautam, D.A.G., Haryana.

RAJ MOHAN SINGH, J.

CRM No.622 of 2021

[1]. Prayer made in this application is for placing on record the disclosure statements of the petitioner, co-accused Govind and Dheeraj (Annexures P-3 to P-5).

[2]. For the reasons mentioned in the application, the same is allowed. Accompanying documents are taken on record, subject to all just exceptions.

Main case

[3]. Petitioner seeks grant of regular bail under Section 439

Cr.P.C in case bearing FIR No.1156 dated 15.11.2019, registered under Sections 395, 397, 365 and 412 IPC and Section 25 of the Arms Act at Police Station Sadar Karnal, District Karnal.

[4]. Prosecution story is that when the trolley attached with tractor of the complainant was passing through Ramba Chowk near Police Station Sadar Karnal, the same was intercepted by two vehicles in which six accused persons were sitting. The accused snatched tractor with loaded trolley on gun point and after giving beatings to the complainant also snatched an amount of Rs.4000/- from him.

[5]. During investigation, petitioner-Sachin @ Ford, Dheeraj and Govind were arrested. Tractor and trolley were recovered along with 283 bags of paddy. Offence under Section 412 IPC was added. On 21.12.2019, the co-accused Jai Parkash was arrested.

[6]. Prosecution story as enfolded in the disclosure statements of accused/petitioner, Dheeraj and Govind revealed that the petitioner had friendship with Anil @ Kaku, Vicky and Jai Parkash @ J.P. They were involved in consuming *sulfa*. On 14.11.2019, the petitioner had a talk with his friend Anil in respect of bringing *sulfa*. The petitioner boarded the train at Sonipat and arrived at Bhalgarh bridge where his friends Anil,

Vicky and Jai Parkash @ J.P. met him. They were having a car make Brezza owned by co-accused Dheeraj as Anil and Vicky brought the car from Dheeraj in the morning of 14.11.2019. None of them was having any fund for procuring *sulfa*, therefore, they hatched a conspiracy to commit robbery. Anil suggested them to move towards Karnal so as to ward off any suspicion as robbery at a distant place would be safe. The petitioner along with Anil, Vicky and Jai Parkash @ J.P. left in the car and came to the house of Dheeraj. They had discussed in the house itself and decided to bring *sulfa* from Burail, Sector 45, Chandigarh. Dheeraj did not accompany them as his maternal uncle had passed away and mother was away from home. Dheeraj also stated that his father is suffering from paralysis and his wife, children and sister were alone at home. He suggested other persons to commit robbery and arrange funds. Anil, Vikcy and Jai Parkash @ J.P. were already having arms. After hatching conspiracy, the aforesaid persons took away the car of Dheeraj for committing robbery.

[7]. On 15.11.2019 at about 4.00 A.M., they robbed a tractor trolley and brought the same in the field of Dheeraj with a view to sell the paddy after some time. Petitioner called co-accused Govind for unloading the paddy. During process of unloading the paddy, they were apprehended by the Police.

[8]. Learned counsel for the petitioner submitted that paddy bags have already been recovered from the fields of co-accused Dheeraj. Name of the petitioner was disclosed only in the disclosure statement of co-accused Dheeraj and thereafter his disclosure was recorded. The accused Anil Pandit @ Kaku was nominated on the basis of disclosure statements of petitioner, Dheeraj and Govind. Charges have not been framed so far.

[9]. Learned counsel further submitted that co-accused Anil Pandit @ Kaku has been granted regular bail by this Court vide order dated 19.11.2020 passed in CRM-M No.34669 of 2020. Another co-accused Govind has also been granted regular bail as his complicity was found to be under Section 412 IPC. Car has already been recovered. Petitioner is in custody since 24.11.2019.

[10]. Per contra, learned State counsel opposed the bail on the ground that the petitioner has participated in the commission of the crime and was arrested on the basis of disclosure statement of co-accused. Although the present petition is the first petition for grant of regular bail, but keeping in view the gravity of the offence, he is not entitled for regular bail.

[11]. Having heard learned counsel for the parties, it is found that the petitioner is in custody since 24.11.2019. Charges have not been framed. Recoveries have already been effected.

Therefore, keeping in view the bail granted to the co-accused, I deem it appropriate to enlarge the petitioner on regular bail.

[12]. In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

[13]. Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

February 03, 2021

Atik

**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No