

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

213

CRM-M-41762-2020 (O&M)
Date of Decision: 22.01.2021

Sandeep & another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Chand Ram Olla, Advocate, for the petitioners.

Ms. Sheenu Sura, DAG, Haryana,
assisted by SI Balbir Singh.*(proceedings conducted through video conferencing)***GURVINDER SINGH GILL, J. (Oral)**

1. The petitioners seek grant of regular bail in respect of a case registered against him vide FIR No.362, dated 14.8.2019, Police Station Sadar Thanesar, District Kurukshetra, under Sections 341, 395, 397, 373, 374, 201, 473, 474 IPC and Section 25 of Arms Act.
2. The FIR was lodged at the instance of Krishan, wherein it is alleged that on 13.08.2019 he handed over an amount of Rs.8 lakhs, wrapped in a newspaper to his driver of truck bearing registration No.WB-11-B- 7386 namely Amit Kumar for the purpose of getting Soya. It is further alleged that another amount of Rs.11,500/- was also given to him for the purpose of expenses as the said Soya was to be brought from Ludhiana. It is alleged that at about 10.57 pm the complainant's driver namely Amit Kumar rang

him up and informed that a white coloured Scorpio vehicle had stopped his truck and that 6 occupants of the said vehicle, who were armed with deadly weapons, had snatched the truck and also the amount being carried by the driver Amit and his co-driver Vinod Kumar.

3. Learned counsel for the petitioners has submitted that they are nowhere named in the FIR and have been nominated as accused subsequently on the basis of a disclosure statement allegedly made by one Vikas @ Vicky, which can hardly be said to be sufficient evidence to connect the petitioner with the alleged occurrence.
4. Learned State counsel has, however, opposed the petition and has submitted that since an amount of Rs.30,000/- and country made pistol and also live cartridges were recovered from petitioner No.1 and that another amount of Rs.15,000/- was recovered from petitioner No.2, no case for grant of bail is made out, as the allegations virtually stand substantiated.
5. I have considered rival submissions addressed before this Court.
6. It is not disputed that the petitioners came to be nominated as accused pursuant to disclosure statement made by co-accused Vikas @ Vicky. The veracity and admissibility of such disclosure statement would be debatable. The petitioners, in any case, have been behind bars since the last about 1 year and 3 months and as on date only 1 out of cited 26 PWs has been examined. The co-accused namely Rahul @ Mangla, who is identically situated, has already been granted the concession of bail by this Court vide order dated 25.11.2020 (Annexure P-1). In these circumstances,

the petitioners, who are also identically situated, also deserve the same concession. The petition, as such, is 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.

22.01.2021
Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**