

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

**CRM-M No.43153 of 2020(O&M)
Date of Decision-16.03.2021**

Dheeraj ... Petitioner
Versus

State of Haryana ... Respondent

CORAM:-HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Ms. Savita Rana, Advocate
for the petitioner.

Mr. Rajat Gautam, DAG, Haryana.

RAJ MOHAN SINGH, J.

[1]. Petitioner seeks grant of regular bail under Section 439 Cr.P.C in his fourth attempt in case bearing FIR No.1156 dated 15.11.2019 registered under Sections 395, 397, 365, 379-B, 212 IPC (Sections 212 and 412 IPC added later on) and Section 25 of the Arms Act at Police Station Karnal Sadar, District Karnal.

[2]. As per prosecution case, when the complainant along with his tractor/trolley was passing through Ramba Chowk near Police Station Sadar Karnal, he was intercepted by two vehicles, in which six accused persons were sitting. The accused persons snatched the tractor with loaded trolley on gun point and gave beatings to the complainant and also snatched an amount of Rs.4000/- from him.

[3]. During investigation, the petitioner, Sachin @ Ford and Govind were arrested. Tractor and trolley with 283 bags of paddy were recovered. Offence under Section 412 IPC was added. Co-accused Jai Parkash @ J.P was arrested on 21.12.2019. Sachin @ Ford was also arrested as per disclosure statements of the petitioner and Govind. The accused were friends and were involved in consuming *sulfa*. On 14.11.2019, Sachin @ Ford had a talk with his friend Anil in respect of arranging *sulfa*. Sachin @ Ford deboarded the train at Sonipat and came to Bhalgarh bridge, where Anil, Vicky and Jai Parkash @ J.P met him in a car owned by the petitioner. Anil and Vicky brought the car from the petitioner in the morning of 14.11.2019. Accused persons were not having sufficient money for procuring *sulfa*, therefore, they hatched a conspiracy to commit robbery. Anil suggested them to go towards Karnal so as to minimize the suspicion of any involvement, because robbery at a distant place would be safe. Sachin @ Ford, Anil, Vicky and Jai Parkash @ J.P came to the house of the petitioner in that car. They had discussion in the house itself and decided to bring *sulfa* from Burail, Sector-45, Chandigarh. Petitioner did not accompany them as his maternal uncle had passed away and his mother was away from home. Petitioner also stated that his father was suffering from paralysis and his wife, sister and children were alone at home. Petitioner suggested them to commit robbery and arrange funds. Anil, Vicky and Jai Parkash @ J.P were already having arms. After hatching conspiracy, the aforesaid persons took away the car of the petitioner

for committing robbery. On 15.11.2019 at about 4:00 AM, they robbed a tractor-trolley and brought the same in the fields/premises of the petitioner with a view to sell the paddy after some time. Sachin @ Ford called co-accused Govind for unloading the paddy. During process of unloading the paddy, they were apprehended by the police.

[4]. Sachin @ Ford was nominated on the basis of disclosure statement of the petitioner. Thereafter, on the disclosure statements of Sachin @ Ford, petitioner and Govind, Anil Pandit @ Kaku was nominated.

[5]. 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. Co-accused Govind has also been granted regular bail as his complicity was *prima facie* found to be under Section 412 IPC. Co-accused Sachin @ Ford has also been granted regular bail by this Court vide order dated 03.02.2021 passed in CRM-M No.40812 of 2020.

[6]. Learned counsel for the petitioner submitted that earlier bail of the petitioner was rejected primarily on the ground that the petitioner is owner of the car and the booty of decoity was recovered from his premises. Two of the accused namely Vicky and Khanna are still at large. Learned counsel further submitted that a rent agreement was executed between the petitioner and Anil on

01.11.2019 in respect of the premises, where the tractor and loaded trolley were recovered.

[7]. Learned State counsel, however, disputes the aforesaid fact and submitted that there is no entry of the aforesaid rent agreement in the register of the notary public. The aforesaid inquiry has been conducted by the Investigating Officer in the context of conscious possession of the petitioner over the land in question from where the recoveries have been effected.

[8]. In compliance of order dated 03.02.2021, learned State counsel has informed the Court in respect of inquiry conducted by the police viz-a-viz the rent agreement, which is not found to be registered in the register of notary public.

[9]. Any conclusive finding on this point may prejudice the case of both sides during trial.

[10]. On *prima facie* consideration of the case, I find that the petitioner is involved firstly on account of giving his car to the co-accused for the purpose of committing decoity and secondly, by allowing the co-accused to bring the tractor with loaded trolley in his premises. Petitioner and others were arrested from the premises when they were unloading the trolley. The complicity of the petitioner is in terms of Sections 212 and 412 IPC. Petitioner has not participated in decoity, except to provide his car to the co-accused. Petitioner is in custody since 24.11.2019. Recoveries have already been effected. Charges have not been framed so far. Co-accused

namely Anil Pandit @ Kaku, Govind and Sachin @ Ford have already been granted regular bail by the High Court.

[11]. In view of aforesaid position, without meaning anything on merits of the case, I deem it appropriate to enlarge the petitioner on regular bail subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

[12]. Nothing expressed hereinabove, would be construed to be an opinion on merits of the case.

(RAJ MOHAN SINGH)
JUDGE

16.03.2021
Prince

Whether reasoned/speaking	Yes/No
Whether reportable	Yes/No