

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

228

CRM-M-4225-2021 (O&M)

Date of Decision: 13.01.2022

Ashok @ Shoka

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Vivek Suri, Advocate,
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by SI Suresh Kumar.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.226 dated 22.06.2020 at Police Station Kalanaur, District Rohtak, under Sections 379-B/392/397 IPC and Section 25 of the Arms Act.
2. The allegations in nutshell are to the effect that the car belonging to the complainant was snatched by 3 persons, who had hired the same, which the complainant was plying as a Taxi.
3. Learned counsel for the petitioner has submitted that he is nowhere named in the FIR and has been nominated as an accused on the basis of a disclosure statement alleged made by the petitioner himself, when he came to be arrested in another case i.e. FIR

No.176 dated 26.05.2020 registered at Police Station Kalanaur, Rohtak under Section 379-A IPC. Learned counsel has further submitted that such like disclosure statement would not carry any evidentiary value particularly in the absence of any other clinching evidence to establish the involvement of the petitioner.

4. Opposing the petition, learned State counsel has submitted that since the petitioner stands involved in an identical case and had himself confessed his guilt, when he came to be arrested in case FIR No.176 dated 26.05.2020, the complicity of the petitioner is clearly evident. It has further been submitted that the factum of recovery of car and a mobile phone belonging to the complainant from the petitioner himself would substantiate the allegations as leveled in the FIR. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 1 ½ year and that as on date none out of the cited 20 PWs has been examined and that the next date fixed before the trial Court for recording the prosecution evidence is 31.03.2022. .
5. I have considered rival submissions addressed before this Court.
6. It is not in dispute that none of the accused is named in the FIR and the petitioner came to be nominated as an accused on the basis of his own disclosure statement, when he was arrested in another case. The veracity and admissibility of such like statement would be debatable. In any case, since the petitioner has been behind bars for a substantial period of about 1 ½ year and none of the cited 20 PWs has been examined till date, further detention of the petitioner

will not serve any useful purpose as the conclusion of trial will take some time. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

13.01.2022

Vimal

(GURVINDER SINGH GILL)
JUDGE

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

Whether reportable: **Yes/No**