

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-5170-2022

Decided on: 14th February, 2022

Amit @ Anta

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Manan Bhardwaj, Advocate for the petitioner.
Ms. Geeta Sharma, DAG, Haryana.

AVNEESH JHINGAN, J (Oral):

[1] This is a petition filed being aggrieved of order dated 30.05.2020 passed by the Additional Sessions Judge, Jind rejecting the regular bail in FIR No.339, dated 19.12.2019 under Sections 379-B, 120-B, 201 and 411 of IPC registered at Police Station City Narwana, District Jind.

[2] The FIR was registered at the instance of Vikram Singh against the unknown persons. The allegations were that he was serving at Goyal Service Station, Narwana. On 19.12.2019, he was going to deposit cash in Axis Bank, Narwana. On the way to the bank, three youngsters came on the motorcycle with muffled faces and carrying *dandas*. They hit the motorcycle against the bike of the complainant, gave beating, snatched cash and fled away, there was CCTV footage of the incident available with the police. During the investigation, Amit @ Meet, Amit @ Anta (petitioner) and Ajay @ Chotia were named. The name of the petitioner surfaced in the disclosure statement. Contention is that co-accused were granted regular bail by this Court.

[3] Learned counsel for the petitioner submits that the petitioner was

not named in the FIR. He was not present at the time of incident as is evident from the CCTV footage. It is only in the disclosure statement made before the police that his name surfaced that is not a substantial basis of evidence. Further she relied on the fact that the co-accused were granted bail by this Court.

[4] Learned State counsel submits that the petitioner was named in the disclosure statement and recovery of Rs.15,000/- was made from him. He on instructions from, ASI Dilbag Singh, fairly submits that there is no case pending against the petitioner. He further submits that challan has been presented and charges framed but no witnesses have been examined.

[5] Considering that during the pendency of the trial, the general rule is bail and not jail. Investigation in the present case is complete, the conclusion of the trial is likely to take time and co-accused were granting bail. The emerging of the name of the petitioner in the disclosure statement made to the police itself makes *prima facie* arguable issue for the petitioner. Even as per the State counsel, there is no case pending and no further recovery is to be made.

[6] The petitioner is granted bail subject to furnishing bail bonds to the satisfaction of the concerned Chief Judicial Magistrate.

[7] The petition is allowed.

[8] However, it is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

[AVNEESH JHINGAN]
JUDGE

14th February, 2022

Parveen Sharma

1. Whether speaking/ reasoned	:	Yes /No
2. Whether reportable	:	Yes /No