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

CRM-M-6107-2022

Decided on: 3rd March, 2022

Prashant Kumar Sharma @ Puneet

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Ram Gautam, Advocate for the petitioner.

Ms. Geeta Sharma, Deputy Advocate General, Haryana.

AVNEESH JHINGAN, J (Oral):

[1] Due to COVID-19 situation, the Court is convened through video conference.

[2] This third petition under Section 439 Cr.P.C. is filed seeking regular bail in FIR No. 7, dated 19th January, 2021 under Sections 341, 399, 402 IPC and Section 25 of the Arms Act, 1959 registered at Police Station Bahin, District Palwal. Earlier two petitions filed by the petitioner were dismissed as withdrawn as this Court was not inclined to grant bail.

[3] Brief facts of the case are that on 19th January, 2021, police party received a secret information that six young boys with illegal weapons are planning to loot the passers-by in front of Jaat Dhaba on Hathin-Bahin road. Finding the information reliable, it was acted upon.

A private car of a Head Constable was given to Constable Dharamdev and he was instructed to move on Hodal-Hathin road. He was being followed by the police party in a government vehicle by switching off the inner light and roof light. Near Jaat Dhaba, six boys armed with *katta* and torch stopped the car driven by Constable Dharamdev. After encircling it they tried to loot by showing weapons. Accused Deepak Rana, Pradeep @ Lucky, Daulat, Vishpender @ Sunny, Rupesh @ Shivam @ Sannata, Prashant @ Puneet (petitioner) were apprehended. Recovery of .315 bore loaded *katta* from Deepak Rana, knife from Pradeep @ Lucky, button knife each from Daulat and petitioner, rod from Vishpender @ Sunny, rod and torch from Rupesh @ Shivam @ Sannata was effected.

[4] Mr. Ram Gautam, learned counsel for the petitioner submits that it is a case of false implication, no such incident took place, petitioner was actually apprehended alongwith other co-accused from Jaat Dhaba. He submits that in the *naksha* prepared by the police, a liquor vend is shown adjoining to Jaat Dhaba whereas he has personally visited the spot and clicked photographs which shows that liquor vend is opposite to Jaat Dhaba. It is further submitted that on visit of counsel to Jaat Dhaba, one Bhagat informed that accused were apprehended from Dhaba and no incident of loot took place. It is argued that story put forth is improbable as distance between police station and place of occurrence has not been mentioned. There is no explanation of time gap between receipt of secret information and alleged incident. It is

contended that mechanical report of private Alto car driven by Constable Dharamdev is not there. Further reliance is placed on affidavit of Satyavrat s/o Shriya Singh annexed with the petition wherein it is stated that deponent alongwith six accused in FIR were picked up by the police on 18th January, 2022 but deponent was released on 19th January, 2021 at about 10:30 A.M.

[5] Learned counsel for the State opposes the prayer and submits that trial is at initial stage, no prosecution witness has been examined. She further submits that allegations are serious, petitioner alongwith co-accused in a pre-planned manner made an attempt to loot the vehicle driven by Constable Dharamdev and knife was recovered from the petitioner. The antecedents of the petitioner are not clean, he is involved in one more FIR.

[6] While deciding the petition for regular bail, this Court is not expected to hold a mini trial. The contention raised by learned counsel for the petitioner with regard to false implication are based on the photographs allegedly clicked by him which needs no comment at this stage. The veracity of affidavit of Satyavrat would be subject matter of the trial. The contention with regard to mechanical report, time gap and distances between place of occurrence and police station would be defence available to the petitioner during the trial. Suffice to say that no reason of whatsoever worth is put forth for falsely implicating the petitioner.

[7] At this stage, the record maintained by the police officials in

their routine discharge of duty cannot be brushed aside on basis of bald statement. Having the conspectus of nature of allegations and the facts and circumstances of case, no case is made out for grant of bail.

[8] The petition is dismissed.

[AVNEESH JHINGAN]
JUDGE

3rd March, 2022
pankaj baweja

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| 1. Whether speaking/ reasoned | : | Yes |
| 2. Whether reportable | : | Yes |