

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

CRM-M-15798-2022

Date of Decision: 16.09.2022

Anil Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. L.S.Sekhon, Advocate,
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

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.199 dated 29.8.2021, Police Station Sadar Ratia, District Fatehabad under Sections 395, 342, 120-B, 420, 201, 34 of Indian Penal Code, wherein offences under Section 392 IPC and under Sections 25 of Arms Act were deleted and offence under Section 61 of Excise Act was added later on.
2. The FIR was lodged at the instance of Lovepreet Singh, wherein it is alleged that he runs liquor vend in Village Khai and that on 28.08.2021 at about 09:38 p.m. he received information that some persons by pointing pistol at his salesman had committed robbery. When the complainant went to the liquor vend, he found that the liquor vend was locked and that hands of his salesman, who was inside the liquor vend, had been tied. Upon checking, it was found that 32 boxes of country made liquor, 1 box

of beer, mobile phone of the salesman were missing. It is further the case of prosecution that during investigation, on 15.09.2021, Section 34 of Indian Penal Code was deleted. On 04.10.2021 complainant got recorded his supplementary statement, wherein he disclosed the names of Om Parkash and Rinku and co-accused Sunny Singh and Gaurav Kumar. On 05.10.2021, co-accused Sunny Singh was arrested in this case and on interrogation, he suffered his disclosure statement admitting his involvement in this case. Offence under Section 120-B of IPC was added in the present case. On 6.10.2021, co-accused Om Parkash @ Parkash was arrested in this case and upon interrogation, he suffered a disclosure statement admitting his involvement in this case. On 19.10.2021, co-accused Riku Kumar was arrested in this case and upon search, pistol was recovered from him and upon interrogation, he also suffered a disclosure statement admitting his guilt. During remand, accused Rinku got recovered 16 boxes of bottles of country made liquor. Offence under Section 61 of Excise Act was added in the present case. During further investigation, offence under Section 420 of Indian Penal Code was added.

3. After completion of investigation against coaccused Sunny Singh, Om Parkash, Rinku and Gaurav, challan against them was submitted in the court. During further investigation, it was found that petitioner Anil Kumar @ Rajat @ Kaku had been using WhatsApp in his mobile phone by using net of mobile phone of one Ramesh Kumar and said Ramesh Kumar was joined in investigation of this case, who disclosed that co-accused Monu Kumar had taken his SIM. Since co-accused Monu Kumar

- had provided SIM of Ramesh Kumar to applicant-accused Anil @ Rajat with intention of preventing him from being apprehended in this case, therefore, offence under Section 216 of IPC was added in this case. On 25.01.2022, co-accused Monu Kumar was arrested in this case and on interrogation, he suffered his disclosure statement admitting his guilt and got recovered SIM of Ramesh Kumar and vehicle Swift Dzire. On 03.02.2022 applicant-accused Anil Kumar @ Rajat @ Kaku was also arrested in this case and on interrogation, he suffered his disclosure statement admitting his guilt and he got recovered Scorpio vehicle No. HR06AF9585 and mobile phone alongwith SIM.
4. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case on the basis of disclosure statement made by co-accused, which would hardly carry any evidentiary value.
 5. On the other hand, learned State counsel since pursuant to arrest of the petitioner, one scorpio vehicle and mobile phone alongwith SIM have been recovered, his complicity is clearly evident. Learned State counsel has, however, informed that the petitioner has been behind bars since the last more than 7 months and that he is involved in 13 other cases.
 6. Having regard to the facts and circumstances of the case and without commenting anything as regards merits of the case, the instant petition is accepted and the petitioner, who has been behind bars since the last more than 7 months, 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, as the conclusion of trial is likely to consume time.

16.09.2022

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(GURVINDER SINGH GILL)
JUDGE

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

Whether reportable: **Yes/No**