

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

210

**CRM-M-26851-2022
Date of decision: 23.06.2022**

MANISH VERMA

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Mr. Akashdeep Singh, Advocate
for the petitioner.

Mr. Randhir Singh, Addl. A.G. Haryana.

VINOD S. BHARDWAJ. J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No. 117 dated 02.02.2022 registered under Sections 302, 34, 394, 397 and 459 of the Indian Penal Code, 1860 and Section 25 of the Arms Act (Section 412 of the IPC was added in challan) at Police Station Camp Palwal, District Palwal.

2. Learned counsel for the petitioner *inter alia* contends that as per the allegations made in the FIR, the case made out against the petitioner is that he had purchased the jewellery articles that were proceeds of the crime. Thus, Section 412 of the IPC has been attracted against the petitioner and that he is not sought to be charged for commission of any other offence mentioned in the FIR. Reference in

this regard is drawn to the final report filed under Section 173 Cr.P.C. He further contends that even otherwise, the offence of dacoity would not be made out in the present case as the total four persons are stated to have involved in the commission of the offence. Three persons are stated to have entered into premises while one person was standing outside. He thus contends that in the said circumstances, it would be a *prima facie* case relating to robbery and not dacoity, without conceding to the same. He thus contends that in such an eventuality, it would be Section 411 of the IPC that would be *prima facie* attracted instead of Section 412 of the IPC and that the maximum sentence prescribed under Section 411 of the IPC is 03 years. He further urges that even though the order of the Lower Appellate Court mentions that the petitioner was apprised about the property being a looted property, however, the same does not inspire any confidence inasmuch as that the petitioner being aware of the property being an outcome of crime there was no occasion as to why he would retain the said property in the form and manner and being a Jeweller it would be the first endeavour of any person dealing in proceed of crime to destroy the evidence by melting gold and recasting any other ornament out of the same. He further contends that the petitioner does not have any criminal antecedents and that he is in custody since 17.02.2022 and that his continued custodial interrogation is not required.

3. Per contra, learned State counsel has submitted that the petitioner was aware of that the property in question is a looted property. He further contends that the recovery of the articles was effected from the petitioner. He however could not dispute the fact that

there are no criminal antecedents against the petitioner and that the charge in the case has not yet been framed so far.

4. I have heard learned counsel appearing on behalf of the respective parties and have gone through the record with their assistance.

5. Taking into consideration the circumstances noticed above, the detectable issues raised by the petitioner, the role attributed to the petitioner, the period of custody and also the clean antecedents, I deem it appropriate to enlarge the petitioner on bail to the satisfaction of the trial Court.

6. The instant petition is allowed and the petitioner is ordered to be released on bail on his furnishing requisite bail bond/surety bond to the satisfaction of the Trial Court/Duty Magistrate, concerned.

7. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

8. The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

The petition is allowed.

(VINOD S. BHARDWAJ)
JUDGE

JUNE 23, 2022
vishal sharma

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