

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-27798-2022 (O&M)
Date of Decision:- 24.11.2022

Hitesh Sharma @ Hunny Sharma ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Gourave Bhayyia, Advocate, for the petitioner.

Mr. Siddharth Attri, AAG, Punjab,
assisted by ASI Kuldeep Singh.

Mr. Lovepreet Singh, Advocate, for the complainant.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No. 0039, dated 19.4.2022, Police Station Shimlapuri, Ludhiana, under Sections 379-B, 120-B IPC.
2. The FIR was lodged at the instance of the petitioner himself i.e. Hitesh Sharma wherein it is alleged that he had been working in the office of his brother-in-law (Rohit) who was into business of money transfer. It is alleged that on the day of occurrence i.e. on 19.4.2022 he on the asking of his brother-in-law Rohit had proceeded on his motorcycle along with Jaspinder who is also working for Rohit Kumar for the purpose of collecting money. It is alleged that at about 4.20 pm when they were returning back after having collected an

amount of Rs.10.90 lakhs, two persons came on a motorcycle with muffled faces and snatched the bag containing the aforesaid amount of Rs.10.90 lakhs. During the course of investigation the police arrested co-accused Kamalpreet and Anmol Sharma and from whom an amount of Rs.9.75 lakhs and also a motorcycle was recovered and during their interrogation they disclosed that the entire snatching incident had been committed in connivance and in criminal conspiracy with petitioner-Hitesh Sharma.

3. Learned counsel for the petitioner submits that he has falsely been implicated in the present case and that the main affected person i.e. Rohit to whom the amount belonged has categorically stated in his affidavit Annexure P-3 that the petitioner has been falsely implicated and that he does not wish to pursue the matter against Hitesh Sharma.
4. Opposing the petition, learned State counsel has submitted that the petitioner along with other co-accused had committed the offences in a well orchestrated manner and in connivance with each other and since the person from whom an amount of Rs.9.75 lakhs had been recovered has categorically nominated the petitioner, his connivance is clearly apparent. It has further been informed that the petitioner as on date has been behind bars since the last 6 months and 23 days and that although charges have been framed but the trial has not commenced till date. It has also been informed that the petitioner otherwise has a clean record.
5. Learned counsel representing the complainant-Rohit has submitted that he has no objection in case the petitioner is granted bail.

6. This Court has considered the rival submissions.
7. Having regard to the facts and circumstances of the case particularly the fact that the petitioner has been behind bars for a substantial period of more than 6 months and the aggrieved person i.e. Rohit has no objection for grant of bail to the petitioner who otherwise has a clean record, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

24.11.2022

mohan

**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No