

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

229

CRM-M-31220-2022 (O&M)

Date of Decision: 26.07.2022

Sachin Bhati @ Golu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Kunal Dawar, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Ramrichpal.

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.241 dated 27.06.2021 at Police Station Pataudi, Gurugram, under Sections 395/397/365/201 IPC and Section 25(1-B)(a) of the Arms Act (later on Section 25(1-B)(a) of the Arms Act was deleted and Section 27(1) of the Arms Act was added in the challan).
2. The FIR was lodged at the instance of Sanjay Kumar, wherein it is alleged that on 26.06.2021, when he alongwith his brother Rajesh were proceeding towards Ghoshgarh via Jodi Kalan-Ghoshgarh road in their Scorpio vehicle, then their vehicle was hit by one white coloured car coming from opposite side on account of which their vehicle stopped. It is alleged that 3/4 boys alighted out of the said car and they broke the front windows of their Scorpio vehicle with the help of jack and spanner.

- It is alleged that Rejesh, who was driving the Scorpio vehicle, was hit on the right side of his head on account of which he started bleeding. All the said persons pulled the complainant and his brother Rajesh Kumar out of their Scorpio vehicle and they pointed a pistol at them and they were made to sit in the middle seat of Scorpio vehicle while one of those boys started driving the Scorpio vehicle. They drove the vehicle for about 2-3 hours and thereafter threw the complainant and his brother out of the vehicle after tying their hands and feet. It is alleged that the said persons took an amount of Rs.4 lakhs, which was lying in the vehicle, a laptop, mobile phones, credit cards, Aadhar card, PAN card etc.
3. Learned counsel for the petitioner has submitted that he is nowhere named in the FIR and has been nominated on the basis of disclosure statements alleged to have been made by 3 other persons, who were arrested in connection with some other case and are stated to have suffered disclosure statements regarding their involvement in the present case and who are also alleged to have stated that it is the petitioner, who was owning and driving the white coloured car. Learned counsel has submitted that the only evidence against the petitioner is in the shape of the aforesaid disclosure statements made by co-accused, who themselves have been arrested on the basis of their own disclosure statements and that such like disclosure statements would hardly carry any evidentiary value. Learned counsel has further submitted that even if the contents of the alleged disclosure statements made by co-accused are taken to be correct, still the petitioner is not stated to be amongst the persons, who had attacked the complainant and his brother and is simply stated to be

- driving the vehicle in question. It has also been submitted that though the police claims that an amount of Rs.5000/- has been recovered from the petitioner, but recovery of such meager amount cannot be connected with the alleged incident, as there is no such identification of the currency notes recovered. It has been submitted that the petitioner is a young boy aged about 18 years and has a clean record.
4. On the other hand, learned State counsel has submitted that since the name of the petitioner specifically figures in the disclosure statements made by co-accused, who had virtually admitted their guilt, his complicity is clearly evident. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 10 months and that he is not involved in any other case. It has also been informed that while charges have been framed, but no PW out of cited 27 PWs has been examined till date.
 5. I have considered rival submissions addressed before this Court.
 6. The involvement of the petitioner would be debatable inasmuch the only evidence against him is stated to be in the shape of disclosure statements made by 3 other co-accused. However, this Court would not like to comment any further on the merits of the case. The petitioner has been behind bars for a substantial period of about 10 months and otherwise is a young boy aged about 18 years and has a clean record. Conclusion of trial will take some time inasmuch as no PW out of cited 27 PWs has been examined so far. In these circumstances, 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 regular bail on his

furnishing bail bonds/surety bonds to the satisfaction of learned trial
Court/Chief Judicial Magistrate/Duty Magistrate concerned.

26.07.2022

Vimal

(GURVINDER SINGH GILL)
JUDGE

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