

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

240

CRM-M-34816 of 2022 (O&M)

DECIDED ON:16th August, 2022

Kapil

.....PETITIONER

VERSUS

State of Haryana

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Atul Yadav, Advocate for petitioner.

Mr. Viney Phogat, DAG Haryana.

AVNEESH JHINGAN, J (ORAL)

Petitioner is seeking regular bail in case of FIR No.109 dated 11.4.2022, , under Sections 25 (1) (B) (a) of Arms Act and Sections 379-B, 34 IPC lateron added Section 392, 394, 397, 201, 476, 120-B IPC, registered at Police Station Bhondsi, Gurugram.

As per the case set up on 11.4.2022, complainant Sehjad along with his brother Arman were going to Bhondsi to purchase buffalo. They were riding a motor cycle bearing registration No.HR-27-F-5458. The complainant was carrying Rs.60,120/- in his pocket. On Sohna Gurugram road, two persons came on motor cycle, stopped them. The registration number of the vehicle was noted as HR-72-B-8251. On gun point an amount of Rs.60,120/-, mobile phone and key of the motor cycle were snatched. Accused Ravinder @ Gunda and Rahul @ Langra were apprehended, cash of Rs.60,120/- was recovered. The petitioner was named by the co-accused and the role attributed is that he conveyed to the co-accused about complainant carrying Rs.60,120/-.

Learned counsel for the petitioner submits that it is a case of false implication due to involvement of petitioner in two other FIRs. Petitioner is not known to the complainant party. Recovery of Rs.10,000/- made from the petitioner no where connects him with the alleged incident.

Learned State counsel opposes the prayer and submits that as per the disclosure statement of co-accused Ravinder and Rahul, the motor cycle was borrowed by the petitioner from a co-villager and given to them. Contention is that petitioner is involved in two more cases.

Without commenting upon the merits of the case, considering the nature of allegations against the petitioner, nature of recovery made from him, the petitioner was named in a disclosure statement and the evidentiary value of the disclosure statement would be subject matter of trial and though investigation is complete conclusion of trial is likely to take time, bail is granted to the petitioner on furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

Since the main case has been decided, the pending application, if any is rendered infructuous.

(AVNEESH JHINGAN)
JUDGE

16th August, 2022

reema

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>