

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

**CRM-M-38631-2021 (O & M)**

**Date of decision: 28.07.2022**

Shokeen

.... Petitioner

V/s

State of Haryana

...Respondent

**CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI**

Present: Mr. Neeraj Madaan, Advocate, for the petitioner.

Mr. Vikrant Pamboo, DAG, Haryana.

\*\*\*\*\*

**JASJIT SINGH BEDI, J. (Oral)**

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No.450 dated 19.09.2020 under Section 379-A IPC and Section 25 of the Arms Act (deleted and Section 27 of the Arms Act added later on) and under Section 395, 397, 201 IPC (added later on) registered with Police Station Sonapat Sadar, District Sonapat.

2. The brief facts of the prosecution case are that on 18.09.2020, acting upon an information that a car has been snatched near Holly Cross School in the area of Baghru, Sonapat, police officials rushed to the spot. There Jagbir Singh son of Shri Chander Singh, resident of village Hasanyarpur Tihar Kalan, Sonapat met the police officials and presented a complaint stating therein that he is posted as Head Teacher in Government

5.00 p.m., he took his daughter Tannu and another girl also named Tannu daughter of Shri Kuldeep to Geetanjali School, Barwasani, Sonapat for wrestling practice in his car make Santro bearing registration No.HR-42B-6253. After practice hours, at about 8.00 pm, when he was returning to his house and had reached near Holy Cross School in the area of village Baghru, Sonapat, a heavy branch of a tree was lying on the road, due to which he stopped his car and just after that, 4/5 boys surrounded his car and they started hitting his car and one out of them was having a weapon. The complainant further stated that he knew two of the assailants, whose names are Sharwan @ Sittu son of Kaptan and Mohit @ Sethi son of Pandit Suresh, residents of village Hasanyarpur Tihar, Sonipat. However, due to darkness, he could not identify the remaining assailants and there were other 8/10 boys also with the assailants and the assailants snatched his car, in which his mobile phone make Samsung-M-31 having SIM Card No.9466390091 and original documents of the car were also lying. He further stated that two boys identified by him are vagabonds and there could be danger to him from the assailants. On receipt of above information, the instant FIR was registered and investigation was sent into motion.

On 02.10.2020, co-accused Mohit @ Sethi was arrested in the present case, who on interrogation suffered a disclosure statement and admitted his guilt and also disclosed that on 18.09.2020, he alongwith his companions namely Sharwan @ Situ son of Kaptan Singh, Naveen son of Suresh, Sagar son of Jagmal, Shokin son of Suleman (the present petitioner), Ravi son of Narender, Rajesh @ Raju son of Dalel had snatched the car bearing registration No.HR-42B-6253 make Santro from his co-villager namely Jagbir Master, at Baghru-Bhatgaon road near Holy Cross School.

3. The learned counsel for the petitioner contends that the petitioner is not named in the FIR and has been named on the basis of disclosure statement of his co-accused which is inadmissible in evidence. There is no corroborative evidence available on the record to prove his involvement in the present case. He further contends that, in fact, the petitioner was arrested in FIR No.418 dated 19.09.2020 wherein he is said to have suffered a disclosure statement confessing to his involvement in the present case. Even otherwise, his co-accused Mohit @ Sethi has been granted the concession of regular bail by this Court vide order 20.07.2021 (Annexure P-3). It is lastly contended that the petitioner is in custody since 12.10.2020 and only 08 of the 27 prosecution witnesses have been examined so far. Therefore, as the trial of the present case is not likely to be concluded in the near future, his further incarceration is not required.

4. The learned counsel for the State, on the other hand, submits that the petitioner is also an accused in another case. The allegations against him are well established during the police investigation and as such kind of offences are on the rise, therefore, the petitioner does not deserve the concession of bail.

5. I have heard the learned counsel for both the parties at length.

6. Admittedly, the petitioner is in custody since 12.10.2020. Only 08 of the 27 prosecution witnesses have been examined so far, and therefore, the trial of the case is not likely to be concluded in the near future. The co-accused of the petitioner, namely, Mohit @ Sethi has already been granted the concession of bail by this Court vide order Annexure P-3.

7. Keeping in view the aforementioned facts, the further incarceration of the petitioner is not required. Thus, without commenting

upon the merits of the case, the present petition is allowed and the petitioner, namely, Shokeen is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

( JASJIT SINGH BEDI)  
JUDGE

July 28, 2022  
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No