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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision: 27.09.2022

1. CRM-M-38546-2022 (O&M)

MOHAMMAD SAHID

.. Petitioner

Vs.

STATE OF HARYANA
AND

..Respondent

2. CRM-M-43951-2022 (O&M)

MANOJ @ CHHANGA

.. Petitioner

Vs.

STATE OF HARYANA

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Pardeep Panwar, Advocate
for the petitioner in CRM-M-38546-2022.

Mr. Aditya Sanghi, Advocate
for the petitioner in CRM-M-43951-2022.

Mr. Sukhdeep Parmar, DAG, Haryana.

...

Manoj Bajaj, J. (Oral)

**CRM-31256-2022 in
CRM-M-38546-2022**

Application is allowed, as prayed for.

Main case

Petitioners have filed these separate petitions for grant of regular bail under Section 439 Cr.P.C, pending trial in case FIR No.515 dated 29.10.2020 under Sections 201/342/395/397/412 IPC and Section 25 of the Arms Act, 1959 registered at PS Sadar Sonipat, District Sonipat. The petitioners are in custody since their arrest on 31.10.2020.

The FIR was registered on the basis of complaint by Pranav Mittal and the same reads as under:

“To the SHO police station Sadar Sonipat, Haryana, I requested you that I am Pranav Mittal s/o Sanjiv Mittal r/o house no 2/7, model town part-1, New Delhi. I made a factory of Aluminium and Copper on the name of Ajanama Industries LLP by purchased a land in Village Bhagdu. On 29/10/2020 my accountant Naresh informed me on call that there has been a robbery in the factory. And then I went to factory and guard in informed me that 1:00 am at night some robbers came with weapons and they put gun point on Om Parkash s/o Mange Ram r/o Bathganv and Amit s/o Mahinder r/o Mohana District, Sonipat took them inside the facorty and tied them with rope, one person with weapon was there to see them. After that 4 people went upstairs with guns, and on gun point took the labours Sandeep s/o Shri Ram, Sanjeet s/o Shiv Dayal and Gyan Chandra s/o Bandukdhari r/o Naan Para, Behrich Uttar Pardesh down stairs to the Guard's tied them with ropes. Guard Om Parkash and Amit with phone no: 9671463095, 9350625640 and Labours Sandeep and Sanjeet with Phone no: 7379862309, 6393243374, 8601068144. They all were beaten by robbers. And they did robbery. They took Copper Contact Wire (107 Sq mm) 1057 kgs, 4 bundles of cable of 200 meters and Copper Cathod 1063 kgs loaded in the white colour car with no TN04AD9981. Kindly accept it and take a strict legal action against them.”

Learned counsel for the petitioners have argued that the prosecution has already examined the material witnesses and they have not supported the prosecution case. Learned counsel for the petitioners have pointed out that two of the co-accused, namely, Suhail @ Soni and Mohd. Imran Malik have already been released on regular bail and one of them is similarly situated like the petitioners, therefore, the petitioners also deserve the similar concession. They pray for bail.

Learned State counsel, assisted by ASI Mandeep Kumar, has opposed the prayer on the ground that the offence is serious and the stolen material was recovered from the accused persons. He submits that the case of the petitioners is distinguishable from the co-accused, namely, Mohd. Imran Malik, who was implicated only on the basis of Section 412 IPC i.e. for receiving stolen material, however, he fairly states that the co-accused Suhail @ Soni, who is similarly placed like petitioners has been released on

bail vide order dated 25.07.2022. He submits that the witnesses have specifically deposed before the Court that the assailants were having muffled faces, therefore, their deposition that they do not identify the accused is of no consequence. He, on instructions, further states that no other case is pending against the petitioners.

After hearing the learned counsel for the parties and considering the above background, particularly the custodial period of the petitioners and the fact that their co-accused have been released on bail, this Court is of the opinion that their further detention behind the bars may not be necessary for any useful purpose, as the conclusion of the trial would consume considerable time. Apart from it, the material witnesses have been examined and the remaining witnesses are police officials and at present there does not seem to be any possibility of their being won over.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioners be released on regular bail subject to their furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

27.09.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No