

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARHCRM-31458-2022 in/and
CRM-M-38740-2022
Date of Decision: 02.09.2022

Rohit @ Chhota

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Lekh Raj Nandal, Advocate,
for the petitioner.

Mr. Praveen Bhadu, A.A.G., Haryana.

VIKAS BAHL, J. (Oral)CRM-31458-2022

This is an application filed for grant of leave under Rule 3-A (1) of Chapter VI, Part B, Volume V of the Punjab and Haryana High Court Rules and Orders to file the present petition.

In view of the averments made in the application, the same is allowed and leave is granted under the aforesaid Rules and Orders to file the present petition.

CRM-M-38740-2022

This is the first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No. 207 dated 08.07.2021, under Sections 34, 379-B, 392, 395 and 397 of the Indian Penal Code, 1860, (with Section 395 of the IPC deleted later on), registered at Police Station PGIMS District Rohtak.

Learned counsel for the petitioner has submitted that the petitioner in custody since 08.07.2021 and the '*challan*' has been presented and there are 21 prosecution witnesses, out of which 06 witnesses have been examined and the co-accused of the petitioner Raman @ Bhasi, has been granted regular bail vide order dated 09.05.2022 passed by the Additional Sessions Judge, Rohtak. It is submitted that the material witnesses have been examined and thus the petitioner be released on regular bail.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that in the present case, the petitioner is the main accused inasmuch as the car which had been snatched from the complainant has been recovered from the present petitioner. It is further submitted that the petitioner is involved 07 cases, out of which, as observed in paragraph 8 of the order passed by the ASJ, Rohtak, 02 cases are of similar heinous offences. It is submitted that the petitioner is thus, a habitual offender. It is further submitted that the case of the petitioner is not on the same footing as that of his co-accused, Raman who has been granted the concession of bail as the car in question was recovered from the present petitioner and further, the said co-accused was involved only in one other case, whereas the present petitioner is involved in 07 other cases.

This court has heard learned counsel for the parties and has perused the record.

The FIR in the present case was registered on the complaint of Vijay Kumar on the allegation that at about 11:30 p.m., on 08.07.2021 he was coming from his Village Pehravar to Medical Mod, Rohtak, for taking

medicines for himself in his car bearing registration no. HR-12-AL-6698 of white colour which was a Maruti Wagnor LXI, Model 2017 and when he reached the Circuit House near Delhi bypass, then one car came from the wrong side and stopped the car of the complainant and the persons in the same, asked the address and when the complainant refused, one of the boys hit the complainant with some blunt weapon and the second boy also hit on the ear with an iron blunt weapon and thereafter, the accused persons got off their car and snatched the car of the complainant and fled. As per the case of the prosecution, the petitioner was actively involved in the said occurrence and the car in question has been recovered from the present petitioner. The recovery of the car from the petitioner *prima facie* establishes the involvement of the present petitioner in the crime committed.

Moreover, the petitioner is stated to be involved in 07 other cases, although, in the present petition, the details of the said other cases have not been mentioned and it has been wrongly stated that the petitioner is involved in 04 others cases, however, a perusal of the order dated 31.05.2022 would show that it has been specifically mentioned therein that the petitioner is involved in 07 other cases, out of which 02 cases are stated to be those involving similar heinous offences as the present case. The said fact has not been disputed by the learned counsel for the petitioner during the course of hearing. The petitioner is thus, guilty of concealment of material facts. Keeping in view the aforesaid facts, the petitioner does not deserve the concession of regular bail at this stage.

Further, the case of the co-accused Raman is not on a similar footing as that of the present petitioner inasmuch as the car in question has been recovered from the present petitioner and not from the said Raman and Raman is involved in one other case, whereas the present petitioner is involved in 07 other cases.

It is also relevant to note, that it has been stated by learned counsel for the petitioner that the material witnesses have been examined but neither the details of the witnesses have been given in the petition, nor it has been stated in the petition or submitted before this court as to which 06 witnesses have been examined.

Keeping in view the above said facts and circumstances, the present petition is dismissed, at this stage.

The learned trial court is however requested to expedite the trial.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

September 02, 2022
nitin

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No