

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

CRM-M-42936-2021 (O & M)
Date of decision: 17.08.2022

(1) CRM-M-42936-2021 (O & M)

Rajesh alias Raju Petitioner

V/s

State of Haryana ...Respondent

(2) CRM-M-54554-2021 (O & M)

Sagar Petitioner

V/s

State of Haryana ...Respondent

(3) CRM-M-30333-2022 (O & M)

Naveen @ Pyara Petitioner

V/s

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. J.S. Brar, Advocate,
Mr. Vikas Gulia, Advocate,
and Mandeep Singh Kundu, Advocate,
for the petitioner(s).

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

JASJIT SINGH BEDI, J. (Oral)

This order shall dispose of three connected petitions bearing

CRM-M-42936-2021, CRM-M-54554-2021 and CRM-M-30333-2022.

The prayer in the present petitions under Section 439 Cr.P.C., is for the grant of regular bail to the petitioners in case FIR No.450 dated 19.09.2020 under Section 379-A IPC and Section 25 of the Arms Act and Section 201, 395, 397 IPC and Section 27 of the Arms Act were 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 Primary School, Garhi Bhrahmnan, Sonapat. On 18.09.2020, at about 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 were 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 set into motion.

On 02.10.2020, co-accused Mohit @ Sethi (granted bail vide order dated 20.07.2021 passed in CRM-M-13190-2021) 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 (petitioner in CRM-M-30333-2022), Sagar son of Jagmal (petitioner in CRM-M-54554-2021), Shokeen son of Suleman (granted bail vide order dated 28.07.2022 passed in CRM-M-38631-2021), Ravi son of Narender (granted bail vide order dated 20.05.2022 passed in CRM-M-20878-2022), and Rajesh @ Raju son of Dalel (petitioner in CRM-M-42936-2021) 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 counsels for the petitioners contend that the petitioners are not named in the FIR and have been named on the basis of disclosure statement of their co-accused which is inadmissible in evidence. There is no corroborative evidence available on the record to prove their involvement in the present case. They contend that, in fact, the petitioners have been implicated in the present case on the basis of a disclosure statement suffered by their co-accused Mohit @ Sethi. Their co-accused, namely, Mohit @ Sethi, Shokeen and Ravi have been granted the concession of regular bail by this Court vide orders dated 20.07.2021 (in CRM-M-13190-2021), 28.07.2022 (in CRM-M-38631-2021) and 20.05.2022 (in CRM-M-20878-2022) respectively. It is lastly contended

that the petitioners-Rajesh alias Raju, Naveen alias Pyara and Sagar are in custody since 20.09.2020, 24.09.2020 and 08.10.2021 respectively, and only 08 of the 27 prosecution witnesses have been examined so far and 03 material prosecution witnesses, namely, PW-4-Jagbir Singh (complainant), PW-5/Tannu, daughter of Kuldeep, PW-6/Tannu, daughter of Jagbir Singh, have not supported the case of the prosecution and have turned hostile. Therefore, as the trial of the present case is not likely to be concluded in the near future, their further incarceration is not required.

4. The learned counsel for the State, on the other hand, submit that the petitioners are also accused in other cases as well. The allegations against them are well established during the police investigation and as such kind of offences are on the rise, therefore, the petitioners do not deserve the concession of bail. He, however, admits that the co-accused have been granted bail and the material witnesses have turned hostile.

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

6. Admittedly, the petitioners are in custody since 20.09.2020, 08.10.2021 and 24.09.2020 respectively. Only 08 of the 27 prosecution witnesses have been examined so far and the material prosecution witnesses have turned hostile. The trial of the case is not likely to be concluded in the near future. The co-accused of the petitioners, namely, Mohit @ Sethi, Shokeen and Ravi have already been granted the concession of bail by this Court vide orders dated 20.07.2021 (in CRM-M-13190-2021), 28.07.2022 (in CRM-M-38631-2021) and 20.05.2022 (in CRM-M-20878-2022) respectively.

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

petitioners, namely, Rajesh alias Raju (in CRM-M-42936-2021), Sagar (in CRM-M-54554-2021) and Naveen alias Pyara (CRM-M-30333-2022) are ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

(JASJIT SINGH BEDI)
JUDGE

August 17, 2022
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No