

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

CRM-M-39688-2022

Date of Decision: 28th September, 2022

Ankush @ Monu

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Bhim Singh, Advocate for the petitioner.
Mr. Gurmeet Singh, AAG, Haryana.

AVNEESH JHINGAN , J.(Oral)

1. This second petition is filed seeking regular bail in case of FIR No. 371, dated 4th December, 2021, under Section 379 read with Section 34 of Indian Penal Code, 1860, registered at Police Station Sector 40, Gurugram.

2. The brief facts are that on 4th December, 2021, Hakam presented a complaint to the police. He stated that he had attached his vehicle HR-74B-9859 with OLA and UBER. He had taken his vehicle from Karol Bagh to Sector 14, Gurugram. Thereafter, he went to CNG Pump, Sector 31, Gurugram. He had parked the vehicle on the road side and was answering the telephone, three unknown persons on the pretext of asking an address forcibly alighted him from the vehicle and took it away. His mobile was also in the Car. During the course of investigation, on the basis of secret information Ankush @ Monu (petitioner), Shivam @ Jadugar and Mahipal were apprehended. The snatched vehicle along with mobile phone were recovered from them. On the basis of disclosure statement Rahul @ Lendo was arrested. In the test identification parade, complainant identified petitioner, Shivam and Mahipal.

3. Learned counsel for the petitioner submits that petitioner is in custody since 7th December, 2021, co-accused Rahul was granted bail by the trial Court.

4. Learned State counsel opposes the prayer for grant of regular bail and submits that recovery was made from the petitioner and co-accused and they were identified by the complainant. The case of the petitioner is not at parity with the co-accused Rahul, neither recovery was made from him nor he was identified by the complainant. He further submits that petitioner is involved in one more case.

5. The petitioner is not at parity with co-accused Rahul so far as grant of bail is concerned. No recovery was made from him, he was not identified by the complainant. Considering the gravity of allegations against the petitioner and fact that there was recovery of snatched vehicle and mobile from the petitioner and co-accused, he was duly identified by the complainant, no case is made out for grant of bail.

6. The petition is dismissed.

(AVNEESH JHINGAN)
JUDGE

28th September, 2022

Parveen Sharma

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No