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

CRM-M-47935-2022 (O&M)
Date of Decision: 12.12.2022

RADHE SHYAM HADA

....Petitioner(s)

Versus

STATE OF HARYANA

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Ms. Rosi, Advocate, for the petitioner.

Mr. Naveen Singh Panwar, Deputy Advocate General, Haryana

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No. 196 dated 28.05.2022, under Sections 34, 341, 365, 392 IPC (Sections 395 and 120-B IPC added and Section 392 IPC deleted later on), registered at Police Station Kasola, District Rewari.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case and he is in custody from 24.07.2022 and the investigation of the case is already complete and therefore, the petitioner may be considered for the grant of regular bail. She submitted that the petitioner has not been named in the FIR and was not even present on the spot.

On the other hand, Mr. Naveen Singh Panwar, learned Deputy Advocate General, Haryana has submitted that it is a case where a big

canter was going on the highway having container in which there were 7000 mobile phones and on the way some people came in a car and snatched the canter and kidnapped the driver by putting him in the same car in which they had come and thereafter emptied the entire canter. While referring to the affidavit filed by the Deputy Superintendent of Police, Rewari, he submitted that in fact the petitioner was the mastermind in the entire offence since he had agreed to purchase the canter and he was also present on the spot where the kidnapping and snatching had taken place and all the mobile phones were taken by the persons who had come in the car alongwith the petitioner and an FIR was registered under Sections 34, 341, 365 and 392 IPC and later on Section 392 IPC was deleted and Sections 395 and 120-B IPC were added. He submitted that the petitioner has committed a serious offence and no witness has been examined till date, although charges have been framed and the State has strong apprehension that in case the petitioner is released on bail, then he may influence the witness or may even abscond from justice and therefore, has opposed the grant of regular bail to the petitioner.

I have heard the learned counsel for the parties.

Although the charges have been framed in the present case but as per the learned counsel for the parties no witness has been examined. As per the learned State counsel, the petitioner alongwith the other persons had snatched the vehicle alongwith 7000 mobile phones by emptying the canter and loading it to the other vehicle. The apprehension expressed by the learned State counsel that even the complainant has not been examined

till date and there is strong apprehension that in case the petitioner is released on bail, then he may influence the witness or may abscond from justice cannot be ignored and carries weight in view of the peculiar facts and circumstances of the present case. Therefore, this Court does not deem it fit and proper to grant regular bail to the petitioner.

Consequently, the present petition is dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

12.12.2022

(JASGURPREET SINGH PURI)

rakesh

JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No