

S.No.205

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

CRM-M-52517 of 2021 (O&M)

Date of Decision:24.01.2022

Vakil @ Gokal

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present:- Mr. Vikas Bishnoi Godara, Advocate for the petitioner.
Mr. Saurabh Girdhar, AAG, Haryana.

Harinder Singh Sidhu, J.

Present petition has been filed under Section 439 of the Code of Criminal Procedure (Cr.P.C.) for grant of concession of regular bail to the petitioner in case FIR No.173 dated 29.05.2020 registered under Sections 397, 201, 120-B IPC and Sections 25-54-59 of Arms Act at Police Station Bhuna, District Fatehabad.

The FIR was lodged on the complaint of one Mayank Grover, who alleged that on 29.05.2020, at about 03:45 PM, he was going in his Alto Car to meet his sister in Village Bhuna. At about 04:25 PM, when he reached near Gorakhpur Canal, he parked his vehicle on the road side in order to answer the call of nature. Four boys came there on a motorcycle and threatened him to hand over the key of the car to them. One of the boys who had a pistol in his hand fired in the air. He snatched the key from the complainant and the other boy snatched the mobile phone of the complainant. They then fled away on the car of the complainant. The complainant also stated that he can identify them.

It is alleged that on 16.08.2020, an information was received

from Police Station Agroha that one Satish @ Bullet who had looted the Alto Car of the complainant on 29.05.2020 was arrested in case FIR No.134 dated 29.05.2020 registered under Sections 307, 452, 393, 397, 34 IPC and Section 25/54/59 of Arms Act at Police Station Agroha. In his disclosure statement, Satish @ Bullet had stated that the petitioner was also involved in the crime. On the basis of the disclosure statement, the petitioner who was in custody in case FIR No.207 dated 27.06.2020 registered under Sections 398 and 401 IPC and Section 25/54/59 of Arms Act at Police Station Bhuna, District Fatehabad was formally arrested in this case on 29.08.2020.

Learned counsel for the petitioner has contended that the petitioner has been implicated in the present case only on the disclosure statement of co-accused Satish @ Bullet. The Alto Car allegedly snatched from the complainant has been recovered from co-accused, namely, Satish @ Bullet. The pistol used in the incident has also been recovered from Satish @ Bullet. No recovery has been made from the petitioner. The petitioner is in custody since 29.08.2020.

On the other hand, learned State Counsel has opposed the prayer for regular bail. Learned State Counsel states that the petitioner is a habitual offender. He is involved in eight other criminal cases.

Notwithstanding the fact remains that as far as the present case is concerned, the petitioner is being implicated in this case only on the basis of disclosure statement of co-accused. No recovery has been effected from the petitioner. He is in custody since 29.08.2020, i.e. almost one year and five months. The trial of the case may take a long time.

In view of the above and keeping in mind the fact that the investigation of the case is complete and petitioner is in custody since 26.08.2020, no useful purpose would be served by keeping him behind the bars. Hence, petition is allowed. Petitioner – Vakil @ Gokal is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of trial Court/ Duty Magistrate concerned.

However, if petitioner indulges in any activity of similar nature, while on bail, prosecution agency will be at liberty to seek cancellation of order granting bail to petitioner.

January 24, 2022	(HARINDER SINGH SIDHU)	
renu	JUDGE	
Whether Speaking/reasoned	Yes/No	
Whether Reportable	Yes/No	