

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

213

CRM-M-56551-2022

Date of Decision: 09.12.2022

Mohit @ Bichhu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Pradeep Duhan, Advocate,
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Rajesh Kumar.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No.228 dated 20.05.2022 at Police Station Kalanaur, District Rohtak, under Sections 379A/34 IPC and Section 25 of the Arms Act.
2. The FIR was lodged at the instance of Maha Singh, wherein it has been alleged that on 20.05.2022, he alongwith his driver Vikram Singh had gone to Gurugram to meet his relatives on his white coloured Creta car. On the way back, they stopped at Kalanaur to meet one Dr. S.K.Arya and parked their car on the road. It has been alleged that while the complainant went inside the clinic, 2 boys snatched the car from his driver Vikram Singh by brandishing pistol.
3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that even as per the case of

- prosecution, the petitioner was not amongst those 2 persons, who had snatched the car, which as per the case of prosecution has been snatched by co-accused Ashok and Vicky. Learned counsel has further submitted that the petitioner has been nominated as an accused on the basis of a secret information received to the effect that the petitioner alongwith another co-accused had been standing nearby on motor-cycle so as to render assistance to the other 2 co-accused, in case required. Learned counsel submitted that no credibility can be attached to such like secret information and that there is no other evidence to connect the petitioner with the alleged occurrence of snatching of complainant's car.
4. Opposing the petition, learned State counsel has submitted that since there is evidence in the shape of a secret information to connect the petitioner with the crime in hand and the petitioner otherwise stands involved in 2 more cases i.e. one case registered for offences under the POCSO Act and Sections 395/397 IPC and another case under the NDPS Act, his involvement in the commission of offence cannot be ruled out. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 5 ½ months. It has also been informed that trial has not even commenced and that as many as 29 PWs have been cited.
 5. This Court has considered rival submissions.
 6. Admittedly, the petitioner is not amongst the 2 persons, who had snatched the complainant's car. The petitioner came to be nominated on the basis of a secret information as received by the police subsequently to

the effect that the petitioner was also present somewhere near the spot alongwith co-accused on his motor-cycle so as to help the other 2 co-accused, in case they required any help. The admissibility and veracity of such like information would be debatable. The petitioner in any case has been behind bars since the last about 5 ½ months. The conclusion of trial will take some time, as trial has not even commenced and as many as 29 PWs have been cited. In these circumstances, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

09.12.2022

Vimal

(GURVINDER SINGH GILL)
JUDGEWhether speaking/reasoned: **Yes/No**Whether reportable: **Yes/No**