

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

202

CRM-M-6068-2020 (O&M)

Date of Decision: 28.03.2023

Raj Kumar ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Vijay Kumar Pandey, Advocate, for the petitioner.

Ms. Geeta Sharma, DAG, Haryana.

Mr. Saurav K. Manchanda, Advocate, for respondent No.2.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of anticipatory bail in respect of a case registered against him vide FIR No.277 dated 10.12.2018 at Police Station Rojka Meo, District Nuh, under Sections 392/34 IPC and Section 25/54/59 of the Arms Act.
2. The FIR in question was lodged at the instance of Ranjit Singh, wherein it is alleged that on 09.12.2018, when he was going on a motor-bike towards Sohna and when the motor-bike passed over a speed breaker on the road, 3/4 young boys were present there and signalled him to stop. It is alleged that one of them brandished a pistol and that those boys robbed him of his money, gold chain and gold ring and thereafter they pushed him and ran away from the spot. It is alleged that the said boys were addressing each other as Rafiq, Nasim, Riju and Rahis. Later, upon

making enquiries, the complainant came to know about their identities as Rafik son of Aasu, resident of Nanuka, Police Station Tauru, Rahis son of Badlu, resident of Bababgarh, Nasim resident of Gwarka and Raju Gujar Khedli.

3. Learned counsel for the petitioner has submitted that he is nowhere named in the FIR and is now sought to be nominated being Raju Gujar Khedli mainly on the basis of a disclosure statement made by co-accused Rahis. Learned counsel has further submitted that as a matter of fact the complainant – Ranjit Singh in his affidavit furnished before this Court has clarified that the petitioner was not amongst the 4 persons, who had robbed him on 09.12.2018.
4. Learned State counsel has, however, opposed the petition by stating that the petitioner being specifically named in the FIR as Raju Gujar Khedli and co-accused Rahis having clarified in this regard in his disclosure statement, his complicity is clearly evident. Learned State counsel has informed that although the petitioner has joined investigation, but he has not got the pistol, the amount or the gold chain recovered.
5. Learned counsel representing the complainant has, however, submitted that the complainant in his affidavit furnished before this Court has clearly deposed that the petitioner was not amongst the 4 persons, who had robbed the complainant and that the complainant does not have any objection in case the petitioner is granted anticipatory bail.
6. This Court has considered rival submissions addressed before it.
7. The complainant having given a clean chit to the petitioner, the custodial interrogation of the petitioner cannot be insisted upon for production of

pistol, money, jewellery etc., as the complainant has categorically deposed in his affidavit that the petitioner was not amongst the 4 persons, who had robbed him. In these circumstances, this Court is of the opinion that the instant petition deserves to be accepted and is hereby accepted. The interim directions issued by this Court vide order dated 11.02.2020 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

28.03.2023

Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**