

CRM-M-16031 of 2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARHCRM-M-16031 of 2023
Pronounced on:31.05.2023.

Rohit

.....Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWALPresent: Mr. Rajest Lamba, Advocate
for the petitioner.

Mr. Surender Singh, A.A.G., Haryana.

VIKRAM AGGARWAL, J.

1. The present petition has been preferred under Section 439 Cr.P.C., for the grant of regular bail in case FIR No.334 dated 07.11.2022, registered under Sections 307, 384, 387, 452, 506, 212, 120-B IPC and Section 25 of the Arms Act, 1959, at Police Station, City Ratia, Distrcit Fatehabad.

2. On a complaint submitted by one Chandra Sain, the present FIR was registered. On 07.12.2022, at about 6.40 P.M., the complainant-Chandra Sain who has a shop by the name of TS Electronics in Ratia (District Fatehabad) was shutting down the same. His worker Sewak was outside the shop and another worker Ram was inside the shop. At that time, one young boy entered his shop. He had a muffled face. Upon seeing him, Sewak also came inside the shop. He then went outside and told the complainant that the unknown boy was calling him inside. The unknown person asked the complainant about the whereabouts of his son Honey. He then stated that his name was Sucha and demanded a sum of ₹20,00,000/- from the complainant. He stated that if ₹20,00,000/- were not paid till the next day, the entire family of the complainant would be killed. The unknown boy was carrying a pistol which he showed to the complainant and threatened him. This person namely Sucha then went outside, where two other

him. However, two shots hit the windowpane and the third one hit the board on the shop. All three boys fled from the spot while extending threats. The present petitioner i.e. Rohit was arrested on 12.12.2022 on a disclosure statement suffered by co-accused- Deepu @ Deepak. A motorcycle is stated to have been recovered from the present petitioner. This motorcycle is stated to have been used at the time of the offence. It is also the allegation that the present petitioner was in constant touch with the other accused on telephone at the time of the incident.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated. It has been contended that the petitioner is in custody since 12.12.2022; final report under Section 173 Cr.P.C., has been submitted; trial will take a sufficiently long time and, therefore, no useful purpose will be served by keeping the petitioner in custody any longer. Learned counsel has also submitted that petitioner was not present at the spot and his name had surfaced only on a disclosure statement, which even otherwise is not admissible. Learned counsel has submitted that under the circumstances, the petitioner deserves to be released on bail.

4. Status report/reply by way of an affidavit of Sh. Kulwant Singh, HPS, Deputy Superintendent of Police, Fatehabad, District Fatehabad, was filed in Court on behalf of the State of Haryana.

5. Learned counsel representing the State of Haryana has submitted that the petitioner played an active role and that the motorcycle recovered at his instance was used in the crime. It has further been submitted that the petitioner was in constant touch with other co-accused at the time of the incident and therefore, he was one of the main conspirators. Learned counsel has submitted that if the petitioner is released on bail, he may try to influence and threaten the witnesses and may also abscond.

6. I have considered the submissions made by learned counsel for the parties.

7. A very serious incident took place on 07.11.2022, wherein three persons entered the shop of the complainant and demanded a sum of ₹20,00,000/- from him. He was threatened that in case of failure to pay, he along with his entire family would be eliminated. Three shots are also alleged to have been fired by these persons, which luckily did not hit the complainant. Some empty shells were recovered from the spot. On arrest of the accused, pistols were recovered from many of them. In so far as the present petitioner is concerned, no doubt he was named in a disclosure statement suffered by co-accused Deepu @ Deepak. However, on his interrogation, the motorcycle used in the incident was recovered. As per the status report filed by the State of Haryana, he was the main conspirator and had hatched the entire controversy. He is also stated to have been in constant touch on telephone with other co-accused. Merely because the petitioner is not involved in any other case does not mean that he deserves to be released on bail in the present case. If the petitioner is released on bail, he may try to influence and threaten the witnesses and may also abscond.

In view of the aforementioned facts and circumstances, I do not find any merit in the present petition and the same is therefore dismissed.

Pronounced on 31.05.2023

Rekha

(VIKRAM AGGARWAL)
JUDGE

Whether speaking/reasoned : *Yes/No.*

Whether reportable : *Yes/No.*