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

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CRM-M-38308-2023

Date of decision : 25.09.2023

Aastik**..... Petitioner****versus****State of Haryana****..... Respondent****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Karandeep, Advocate for
Mr. R.S. Dhull, Advocate
for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

PANKAJ JAIN, J. (Oral)

Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.192 dated 24.06.2016, registered for the offences punishable under Sections 379-B, 411, 365, 397, 34 of IPC, 1860 and Section 25 of the Arms Act, 1959, at Police Station Rai Sonipat, District Sonipat.

2. Counsel for the petitioner submits that the petitioner is behind bars for last more than 03 years. He refers to the contents of the FIR which read as under:-

“To SHO, Rai Sonipat, Respected Sir. It is humbly prayed that I, Satish Arora son of Mangal Nath, am resident of B-16, Suvidha Apartment, Sector-13, Rohini, Delhi that today at around 7.00 o'clock was going towards Delhi from Panipat in my Car Skoda Rapid No.DL-8-CZ-2266 and when I reached Baba Ram Rahim Dera prior to Bahalgarh Chowk a car make Indica hit me from behind and

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then I stopped my car after a few paces, whereupon a boy came out of Indica Car and said that it is my fault please forgive. They two more boys came out of the vehicle and put me in my car and after roaming for about an hour, they tied me up at a pole near Rohat Canal and took away one gold chain, one ring and some cash and my car from me. Legal Action be taken against them. Sd/- Satish, 24.06.2016, morning 5.25.”

3. Counsel for the petitioner further submits that there was no description of accused in the FIR and the petitioner has been nominated on the disclosure made by one Baljeet, who was arrested in FIR No.268/2016, registered for offence punishable under Section 379-B of IPC, at Police Station Rajendra Park, Gurugram.

4. The case of the prosecution is that the said Baljeet confessed his guilt and supplied the names of his co-accused which includes the name of the petitioner.

5. Counsel for the petitioner further submits that even the charges have not been framed though challan stands presented. It has been contended that since challan has already been presented, there cannot be any apprehension that the petitioner shall tamper with the evidence.

6. Per contra, counsel for the State submits that the conduct of the petitioner is such that he does not merit grant of bail, he absconded and was declared proclaimed offender on 18.08.2018 and could be apprehended only on 13.08.2020.

7. After hearing counsel for the parties and after going the records of the case, without commenting on the merits of the case and

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keeping in view that it is only disclosure made by co-accused that too in the police custody, which is the incriminating evidence in possession of the prosecution and the fact that the petitioner has already suffered incarceration for more than 03 years and the trial has not even commenced as yet, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

8. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

25.09.2023

Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No