

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

CRM-M-42786-2023
Date of decision : 04.09.2023

RAMESH

....Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Ms. Navneet K. Warraich, Advocate for the petitioner.

Mr. R.K. Ambavta, AAG, Haryana with ASI Ani Kumar.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.354 dated 29th of December, 2022 registered for the offences punishable under Sections 392, 394 of the Indian Penal Code (Sections 411, 420, 476, 482, 34 IPC added later on) at Police Station DLF, Phase III, Gurugram.

2. Custody Certificate of the petitioner has been filed today in Court. The same is taken on record.

3. As per the allegations levelled in the FIR, it has been alleged as under :

“To, The SHO, Police Station DLF Phase-3, Gurugram. It is stated that I Ramsanjeevan Pal son of Panchampal, resident of Village Narayanpur, Police Station Naraynpur, District Sultanpur, Uttara Pradesh, presently resident of House Building Yadav Shikanderpur Gurugram and I am a driver. I am doing the work of driving at Ritesh Chingda House No. M 2/4 DLF PHASE 2 Gurugram Car No. HR26DP6660 Fortuner Color Silver ENG,

IGDA183242 CH No. MBJAA3GS500532976-0318 from about 8-9 months. On 28.12.2022, at around 5.15 PM, I left the company's client from Manesar company at Delhi airport by car and at around 6.45 PM, I took my owner, Aditi Chingda and children from Amviance Mall, near Amviance Mall NH Parked near 8, started waiting and I came back after urinating on the side and started sitting on the driver's seat of the car, then 3 boys came and caught me, they put me down on the back seat of the car and looted the car key and purse and my mobile from my pocket. One of the boys started driving the car and two boys started fighting on the back seat with kicks and fists. After a long time, I got down from the car at some unknown place and all three of them looted my car and took it away. On the way, I took a lift from a vehicle and reached Pataudi Police Station Gurugram. These three boys beat me up a lot and took away my car, phone and purse. Legal action should be taken against them that I have come to the police station to file a report. Sd/- Ramsanjivan Pal, 29.12.2022, 9811087300. On the receiving of the above complaint in the police station, the offense under section 392,394 IPC is found on the basis of statement of the applicant and the FIR is registered under the said section.”

3. Counsel for the petitioner submits that the petitioner has been nominated on the basis of disclosure made by one Vikram who is stated to have been arrested by Delhi Police in another case under the Arms Act where he suffered a disclosure admitting his guilt in the present offence. Counsel further submits that even if the disclosure made by Vikram is taken on its face value the same would at the most constitute offence punishable under Section 411 IPC. Even though the vehicle has not been recovered from the petitioner.

4. Per contra, counsel for the State has opposed the bail plea on the ground that there is one vehicle recovered on the disclosure made by the petitioner which is a Fortuner Car and that is also the proceed of robbery. Though he admits that so far as the present case is concerned, the petitioner has been nominated on the basis of disclosure made by co-accused Vikram Singh @ Vikki. He does not dispute that Challan already stands presented.
5. I have heard counsel for the parties and have gone through records of the case.
6. Without commenting on the merits of the case, keeping in view the role attributed to the petitioner, the nature of the evidence collected against him and the incarceration i.e. more than 3 months and 17 already suffered by the petitioner coupled with the fact that the investigation already stands concluded and Challan stands presented, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.
7. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

September 04, 2023		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No