

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

CRM-M No.48952 of 2023

Date of decision: 20th October, 2023

Wajid

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Mohammad Arshad, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.171 dated 26.07.2021 under Sections 379, 392, 394, 120-B, 34 IPC registered at Police Station Udyog Vihar, District Gurugram.

2. Learned counsel for the petitioner submits that he has been falsely implicated in the case in hand which is evident from the fact that neither was he named in the FIR in question nor any specific role attributed to him in the occurrence in question. It has been submitted that co accused Mohammad Sajid alias Salla and Rashid have already been extended the concession of bail by the learned trial Court vide Annexure P-2 and P-3, and hence, on parity he also deserves to be extended the concession of bail. It has still further, been submitted that the petitioner has been implicated in the case in hand on the basis of a disclosure statement allegedly made by co accused Shakir, which has very weak

evidentiary value. It has been submitted that other than the disclosure statement allegedly made, there is no other incriminating material on record to connect the petitioner with the crime in question.

3. I have heard learned counsel and perused the relevant material on record.

4. The petitioner cannot claim parity with the co accused because they were extended the concession of regular bail by the trial Court and not anticipatory bail, which is being prayed for in the instant petition. Furthermore, there are serious allegations levelled in the FIR that when the complainant took a lift in the car, all the accused including the petitioner after brutally assaulting him with a screw driver, compelled him to reveal the password of his ATM card. Since a wrong password was provided, the ATM card got blocked. Thereafter, the accused blindfolded the complainant and kept on roaming in the car. After being threatened, the complainant was made to reveal the password of Phone Pay app; on getting to know the password of the Phone Pay app of the complainant, the accused transferred an amount of ₹ 80,000/- from his account to one of the co-accused. As per the disclosure statement of the co-accused, the petitioner was accompanying all the accused and was also thus, active participant in the alleged crime.

5. This Court, in the wake of the serious allegations levelled against the petitioner in the FIR in question, is not inclined to extend the extraordinary concession of anticipatory bail. The petition stands dismissed.

6. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

October 20, 2023
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No