

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

205

**CRM-M-49580-2019
Date of decision: 08.02.2023**

Devender and anotherPetitioners

Versus

State of HaryanaRespondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Dev Kaushik, Advocate
for the petitioners.

Mr. Rahul Mohan, DAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioners are seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.383 dated 08.10.2019 under Section 392 and 397 of the IPC and Section 25 of the Arms Act, 1959 registered at Police Station Rai, Sonapat District Sonapat.

Learned counsel appearing for the petitioners contends that in compliance of the order of this Court dated 22.11.2019, the petitioners have joined interrogation and cooperated with the investigating agency. It has further been submitted that the parties have subsequent to the registration of the FIR in question, compromised the matter vide Annexure P-3.

Learned State counsel, however, has vehemently opposed the prayer of the petitioners for extending the concession of anticipatory bail to them. Learned state counsel on instructions has submitted that though the petitioners have joined investigation,

however, they have not been cooperating with the investigating agency. He has further submitted that the petitioners are men of criminal antecedents. In support, he has given a list of the following cases which stand registered/and pending against them:-

Petitioner-accused Manish

- (1) FIR No.279 dated 08.05.2015 under Sections 13/3/67, Gambling Act registered at Police Station Bahadurgarh, District Jhajjar and petitioner Manish stands convicted in the said FIR.
- (2) FIR No.278 dated 16.12.2019 under Sections 307 and 120-B of the IPC and Section 25 of the Arms Act, registered at Police Station Sector-6, Bahadurgarh, District Jhajjar, which stands quashed by this Court vide order dated 16.12.2021 passed in CRM-M-30446-2021.

Petitioner-accused Devender

- (1) FIR No.384 dated 12.09.2014 under Section 25 of the Arms Act registered at Police Station Bahadurgarh, District Jhajjar and the petitioner stands acquitted.
- (2) FIR No.370 dated 12.09.2014 under Section 25 of the Arms Act registered at Police Station Bahadurgarh, District Jhajjar and the petitioner stands acquitted.
- (3) FIR No.219 dated 24.03.2016 under Sections 147, 148, 186, 323, 332, 353 and 506 of the IPC and Section 25 of the Arms Act registered at Police Station Bahadurgarh, District Jhajjar in which the petitioner stands acquitted on 01.08.2019.
- (4) FIR No.278 dated 16.12.2019 under Sections 307 and 120-B of the IPC and Section 25 of the Arms Act, registered at Police Station Sector-6, Bahadurgarh, District Jhajjar, which stands quashed by this

Court vide order dated 16.12.2021 passed in CRM-M-30446-2021.

(5) FIR No.152 dated 01.12.2021 under Sections 307, 506, 509 and 34 of the IPC and Section 25 of the Arms Act registered at Police Station Women Bahadurgarh, District Jhajjar, which stands quashed by this Court vide order dated 15.09.2022 passed in CRM-M-9818-2022.

Learned State counsel submits that the custodial interrogation of the petitioners is required in the wake of the allegations levelled in the FIR in question and their non-cooperation during investigation.

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

Prima facie there are serious allegations levelled against the petitioners who along with the co-accused were travelling in a car with fire arms on KMP Expressway. They overtook the truck of the complainant and stopped their car in front of it. Thereafter on alighting, the petitioners and accused not only snatched money from the driver of the truck but also took away the original papers of the truck. One of the accused at gun point travelled in the truck for some distance till toll plaza where then other accused joined him and started beating the conductor. When other drivers came to rescue the conductor, the accused including the petitioners fired from their pistols and they fled from the spot.

This Court, therefore, does not deem it fit to extend the extraordinary concession of bail to the petitioners.

Dismissed.

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.

08.02.2023

(MANJARI NEHRU KAUL)
JUDGE

Vinay

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