



CRM-M-6588-2024

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282 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-6588-2024
Date of decision: 28th August, 2024

Mohit @ Billi

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Kartar Singh Malik-I, Advocate for the petitioner.
Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 439 of Cr.P.C.
seeking regular bail in the FIR mentioned below:-

FIR No.	Date	Police Station	Sections
247	24.07.2023	Urban Estate, Rohtak, District Rohtak	34 and 379-B of IPC, 1860 (later on Section 201 of IPC added)

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of written complaint filed by the complainant Sh. Bhagwan alleging therein that on the same day, he was going on his activa vehicle towards Sector 1, Rohtak. An amount of Rs. 60,000/- cash was lying in his vehicle. When he crossed Jat Bhawan, suddenly, two youths intercepted him. While



proclaiming that they were men of Manjeet resident of village Kanhaili, they assaulted him and after snatching his activa vehicle and his mobile phone bearing No.9306388513 and causing injuries to him, they fled away from the spot. He also disclosed that his vehicle was bearing a temporary number as the registration certificate had not been issued and also that the entire occurrence was captured in a CCTV camera installed in the vicinity, he prayed for taking action against the culprits.

3. After registration of FIR, investigation proceedings were initiated. During investigation, the CCTV footage of the camera installed in Haryana Nursery near which the occurrence was committed had been obtained, the same was converted into pen drive. On the basis of that CCTV footage as well as some secret information, the present petitioner was arrested on 25.07.2023. He was interrogated and disclosed the name of co-accused Sumit @ Chottu, who too was arrested on the same day. Their test identification parade was got conducted on 27.07.2023 in the presence of Additional Chief Judicial Magistrate, Rohtak. The complainant identified both the petitioner and the co-accused as the snatchers of his mobile and activa. In pursuance of disclosure statement suffered by the co-accused and the petitioner, the snatched vehicle was recovered from them. The recovery of mobile phone could not be effected since as disclosed by the petitioner and co-accused, they had thrown the same. Offence under Section 201 of IPC was added. The complainant recorded a statement that sum of Rs. 60,000/- was not lying in the activa, hence the same had not been snatched.



Investigation has since been completed. Trial is going on. Prayer made by the petitioner for grant of bail has been dismissed by the trial Court.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He did not suffer any disclosure statement. No test identification of petitioner as per law was conducted. The CCTV footage did not show him as the person who had snatched vehicle of the complainant on the fateful day. The complainant has since been examined. There are no chances of his intimidating the complainant and other witnesses who are police official witnesses. He is in custody for a period of over one year. Trial is likely to take time so far only one witness has been examined. No useful purpose would be served by detaining him in custody any more. Therefore, it is argued that the petition deserves to be allowed.

5. Status report has been filed by respondent-State, as per which, the allegations against the petitioner are serious in nature. It is argued by learned State counsel that keeping in view the gravity of the allegations levelled against him and the fact that the petitioner has criminal antecedents and there are chances of his committing similar offences again, if extended benefit of bail, he has urged that the petition does not deserve to be allowed.

6. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

7. The petitioner along with the co-accused is alleged to have

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snatched the activa vehicle and mobile phone belonging to the complainant as on 24.07.2023. Test identification of the petitioner and co-accused was conducted and he had been duly identified by the complainant. Report of learned Sessions Judge, Rohtak in compliance of direction issued by this Court on 09.07.2024 has since been received showing that the complainant has since been examined. Copy of his statement as recorded before the learned trial Court has also been annexed with the report. A perusal of the same reveals that the complainant examined the petitioner as one of his snatchers. However, simultaneously, it is submitted by him that he could not identify the persons as shown in the videos extracted from the CCTV cameras and converted into pen drive Mark 'A'. The petitioner is in custody since 25.07.2023. Trial is likely to take time since only one witness has been examined so far. The petitioner is stated to be involved in two more cases of similar nature but he is on bail in both the cases. Registration of these cases cannot be stated to be a ground for declining benefit of bail to the petitioner. It is well settled proposition of law that the bail is the rule and jail is an exception. Keeping in view the period of incarceration of the petitioner, the nature of the allegations as levelled against him and the attendant facts and circumstances of the case but without meaning to make any comment on the merits thereof, I am of the considered opinion that his further detention would not serve any useful purpose. With these observations, the petition is allowed and the petitioner is ordered to be admitted to bail, subject to his furnishing personal/surety bonds to the satisfaction of the learned trial Court.



7.

It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.
8.

Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

28th August, 2024
Parveen Sharma

1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No