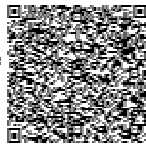


2024:PHHC:117199



IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

214

CRM-M-13127-2024 (O&M)
Date of decision: 06.09.2024

Mufid @ Mufeed

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Munfaid Khan, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed by the petitioner under Section 439 Cr.P.C., is for grant of regular bail in case bearing FIR No. 264 dated 09.07.2023, registered under Sections 341, 395, 397, 412 of IPC and Section 25(1-B)(a) of the Arms Act, 1959 at Police Station Bilaspur, District Gurgram.
2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on 09.07.2023 on the basis of a written complaint filed by complainant Amratpal Singh alleging therein that on 08.07.2023, he was going to Hapur, U.P. from Khetri Rajasthan in vehicle bearing registration number NL01-AG-9266. At about 9-9:30 PM, a Bolero came in front of his vehicle and the person asked him to alight from his vehicle. He claimed that the complainant had broken the leg of his brother. In the meanwhile, another boy entered into his vehicle from the other door and he alighted from his vehicle. They forced him to sit in Bolero

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Vehicle. One of them put a country made pistol on his temple and two other persons had taken away his vehicle. The persons sitting in Bolero were calling them by the names Saurabh and Shahrukh. They dropped him near Gurugram at about 12:00 in the midnight. The complainant informed his company about the incident. Thereafter, the complaint was lodged with the police. After registration of the FIR, investigation proceedings were initiated. During the course of investigation, the vehicle of the complainant was found abandoned near Park Inn Hotel, Bilaspur. On receipt of secret information, co-accused Anisand Sabir were apprehended on 27.07.2023. During the course of interrogation, they suffered disclosure statement naming the petitioner and one Azad as accused in this case. The petitioner was arrested on 27.07.2023. After completion of necessary investigation and usual formalities, *challan* under Section 173 of Cr.P.C. was presented in the Court and presently, the petitioner is along with co-accused is facing trial for commission of aforesaid offences. He had moved an application before the trial Court for grant of regular bail but the same had been dismissed, vide order dated 29.11.2023.

3. The present petition has been filed by the petitioner on the grounds and it has been argued by his counsel that he has been falsely implicated in this case. The petitioner was neither named nor he has committed the subject offence. He has been involved in this case on the basis of the disclosure statement suffered by the co-accused, which is not admissible in evidence. No recovery has been made from the petitioner. Investigation has since been completed and *challan* has been presented. The petitioner is in judicial custody since 27.07.2023. Trial is likely to take time.

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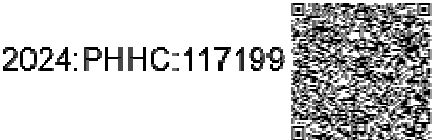


No useful purpose would be served by keeping him in custody anymore. Therefore, it is urged that the petition deserves to be allowed.

4. *Per contra*, learned State counsel has vehemently opposed the prayer of the petitioner by arguing that there are serious allegations against him. Although, his name has surfaced in this case on the basis of the disclosure statement suffered by the aforesaid co-accused, however, during the course of investigation, it has been established that the petitioner, in criminal conspiracy with co-accused, had committed the subject offences. The petitioner does not have clean antecedents as he is involved in three more FIRs. Trial is going on at a proper pace. The complainant has not yet been examined. There are chances of the petitioner's absconding or intimidate the witnesses, if extended benefit of bail. Hence, it is urged that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also gone through the material placed on record.

6. The petitioner along with the co-accused is alleged to have waylaid the vehicle of the complainant with their vehicle and is further alleged to have snatched his vehicle while pointing a country made pistol on his head. Though the petitioner was not named in the FIR, however, during the course of investigation, his name has surfaced as one of the accused persons. The tyers of the stolen vehicle were sold by the accused persons and the proceeds of crime were shared by them. The petitioner is alleged to have received an amount of Rs. 5,000/- as his share, which he has got recovered during investigation. The complicity of the petitioner has been *prima facie*



established during the course of investigation. He is involved in three more FIRs, which shows that he is a person of criminal background. More so, the complainant has not yet been examined before the trial Court and the apprehension expressed by learned State counsel that the petitioner may abscond or intimidate the witnesses cannot be stated to be unfounded, keeping in view his criminal antecedents. There is nothing on record to show that there would be any undue delay in conclusion of trial. Keeping in view the gravity of offences alleged to have been committed by the petitioner, his criminal antecedents, the fact that the complainant has not been examined so far, the quantum of sentence which the conviction may entail and the attendant facts and circumstances, this Court is of the considered view that the petitioner does not deserve to be given concession of regular bail, at this stage. Hence, the petition stands dismissed.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

06.09.2024

Waseem Ansari

(MANISHA BATRA)
JUDGE

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