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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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1. CRM-M No.21170 of 2024

Rinku ... Petitioner

Versus

State of Haryana ... Respondent

2. CRM-M No.30129 of 2024

Shivji @ Sunny ... Petitioner

Versus

State of Haryana ... Respondent

Date of Decision: 04.09.2024

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Pardeep Panwar, Advocate,
for the petitioner in CRM-M No.21170 of 2024.

Mr. Kuldeep Sheoran, Advocate,
for the petitioner in CRM-M No.30129 of 2024.

Mr. Neeraj Poswal, AAG, Haryana,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. This order shall dispose of the aforementioned two petitions
i.e. CRM-M No.21170 of 2024 titled as Rinku v. State of Haryana &
CRM-M No.30129 of 2024 titled as Shivji @ Sunny v. State of Haryana,
filed by the above named petitioners seeking grant of regular bail in case

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arising out of FIR No.05 dated 06.01.2024 registered under Sections 34, 379A and 506 of IPC and Section 25 (1-B) (a) of Arms Act, 1959 (Section 379A of IPC was deleted and Sections 365, 392, 394, 397 and 476 of IPC were added later on) at Police Station Sector-65, District Gurugram, Haryana.

2. Brief facts of the case relevant for the purpose of disposal of these petitions are that the aforementioned FIR was registered on 06.01.2024 on the basis of written complaint filed by the complainant Anchit Sundriyal alleging therein that on the intervening night of 05/06.01.2024 at about 12:15 AM, he along with his female friend was going from Sector-56 towards Sector-46, Gurugram in his vehicle bearing registration No.DL-2C-BE-5707 and when they reached near Golf Course Extension Road, the complainant stopped the vehicle on the side of the road and alighted from his vehicle to ease himself. When he came back towards his vehicle, suddenly three muffled faced persons riding on a Hero splendor make motorbike reached there and started having a scuffle with him. One of them brandished a countrymade pistol on his earlobe and made him sit on their motorbike with two of them whereas one took his vehicle away. They took him to a deserted place and asked him to part with whatever he was having and otherwise to kill him. The complainant told them that his entire belongings were kept in a bag in his vehicle. Sometime thereafter, the person who had taken away his vehicle came to the spot with the vehicle and after taking out cash amount of Rs.30,000/- kept in his bag and debit card, credit card and

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aadhar card of his female friend as well gold earrings worn by the complainant, they made his female friend board on a cab and let her go whereas by making him disclose pin number of his ATM card, they withdrew an amount of Rs.17,000/-. Thereafter, they fled away by taking his car along with them.

3. After registration of FIR, investigation proceedings were initiated. The petitioner Rinku was arrested on 08.01.2024 and petitioner-Shivji @ Sunny was arrested on 18.01.2024. The test identification parade of the petitioner Rinku was conducted but he could not identified by the victims. They did not even identify the petitioner Shivji @ Sunny. The co-accused Sachin was also arrested subsequently. Investigation has since been completed. The petitioner-Rinku and petitioner-Shivji @ Sunny moved applications for grant of regular bail which were dismissed by the Court of learned Additional Sessions Judge, Gurugram vide orders dated 12.04.2024 and 01.06.2024 respectively.

4. It is argued by learned counsel for the petitioners that they have been falsely implicated in this case. They were not named in the FIR and had also not been identified by the victims when the latter were asked to identify them. They were in custody for a period of about eight months. Their custodial interrogation is no more required. The trial is likely to take time. Their detention in custody would not serve any useful purpose. Therefore, it is urged that the petitions deserve to be allowed.

5. A common status report has been filed in both the petitions by

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the respondent-State. Learned State counsel has argued that there are serious allegations against the petitioner who kept the victims as captive and looted money and gold earrings from them. They also used ATM card of the complainant. It has also been found that they had affixed fake number plates on the vehicle looted from the complainant. While admitting that during test identification parade, none of the petitioners was identified by the victims, he urged that the petitions do not deserve to be allowed.

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

7. The petitioners are alleged to have robbed the complainant of his Maruti car, money and gold earrings on the intervening night of 05/06.01.2024 and are also alleged to have snatched the credit and debit cards belonging to his female friend. The petitioner-Shivji @ Sunny is in custody since 18.01.2024 whereas the petitioner-Rinku is in custody since 08.01.2024. The investigation has since been completed. Trial is likely to take time. Their further detention would not serve any useful purpose. It is well settled proposition of law that bail is the rule and jail is an exception. In view of the discussion as made above, I am of the considered opinion that the petitions deserve to be allowed. Hence, both the petitions are allowed and the petitioner-Rinku and petitioner-Shivji @ Sunny are ordered to be admitted to bail subject to their furnishing personal as well as surety bonds to the satisfaction of learned trial Court.

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

04.09.2024
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(MANISHA BATRA)
JUDGE

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