



CRM-M-33780-2023

-1-

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

CRM-M-33780-2023

Arbin

..... Petitioner

Versus

State of Haryana

.....Respondent

CRM-M-27295-2023**Date of Decision: 02.08.2024**

Rinku

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Mohan Singh Rana, Advocate for
the petitioner in CRM-M-33870-2023.
Mr. Sandeep Saini, Advocate for
the petitioner in CRM-M-27295-2023.

Mr. Tanuj Sharma, AAG, Haryana.

Rajesh Bhardwaj, J.

1. This order shall dispose of above-mentioned two writ petitions as both have arisen out of same FIR.

2. Prayer in the present petitions is for the grant of regular bail to the petitioners in a case FIR No.523 dated 07.12.2021, registered under Sections 392, 397, 201/120-B IPC and Section 25 of Arms Act, at Police Station Sadar Jind, District Jind.

3. Succinctly facts of the case are that complainant Arvind lodged the present FIR with the Police. He alleged that on 07.12.2021, in the evening around 09/09:15 p.m., three boys came on a white Apache motorcycle in front of the wine shop. Two boys got down from the



motorcycle and one boy fired directly inside the wine shop with a pistol in his hand. Thereafter, both of them entered into the wine shop and slapped the complainant and given fists blow as well and stolen cash of Rs.1 lac from the counter and ran away on their motorcycle by uprooting the DVR of the CCTV camera installed in the wine shop. These three unknown boys open fired on the wine shop. Request was made to take legal action against the accused. On the registration of the FIR, the investigation commenced and during the investigation, the Investigating Agency identified the petitioners to be the culprit in the alleged occurrence. The complainant of the FIR i.e. Arbin (petitioner) was found to be accused himself and thus, he was arrested on 26.07.2022, whereas, accused Rinku was arrested on 31.07.2022. They approached the Court of learned Additional Sessions Judge, Jind for grant of bail, who, after hearing the parties, declined the bail petition filed by petitioner Arbin vide order dated 15.05.2023, whereas, that of petitioner Rinku was dismissed on 03.05.2024. Hence, aggrieved by the same, the petitioners have approached this Court by way of filing the present petitions for grant of bail.

4. It has been vehemently contended by learned counsel for the petitioners that the petitioners have not been named in the FIR. They submit that petitioner Arbin was arrayed as an accused on the basis of his own disclosure statement, whereas, petitioner Rinku was arrayed as an accused on the disclosure statement of the co-accused. It is further submitted that though petitioner Arbin is involved in other cases as well, however, he has been granted bail by the trial Court in the said cases. It is further submitted that Rinku is involved in five other cases, however, he is on bail in those



cases. They have submitted that the petitioners are on interim bail and they have never misused the same. It is submitted that investigation is complete and challan already stands presented and thus, both the petitioners deserve to be granted bail.

5. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioners. He has submitted that petitioner Arbin was the complainant himself, who in order to mislead the Investigating Agency, lodged the present FIR with the Police projecting himself to be innocent. It is submitted that petitioner Arbin was an employee in the wine shop, who hatched a conspiracy with the co-accused and thus, the conspiracy hatched was executed by three boys. He submits that during the investigation, petitioner Arbin duly made a disclosure statement regarding his complicity and thus, a cash of Rs.10,000/- fallen to his share was recovered from him and motorcycle used in the offence and one country made pistol of 32 bore alongwith one live cartridge were recovered from accused Rinku. He submits that the accused got demarcated the place of occurrence and the place where the DVR was disposed of. He submits that petitioner Arbin is involved in three more cases, whereas, Rinku is involved in six other cases of the similar nature. He submits that the trial is at the initial stage, where out of total 18 prosecution witnesses, only 2 witnesses have been examined and thus, there being no merit in the present petitions, the same deserve to be dismissed.

6. Heard.

7. After hearing learned counsel for the parties and perusing the record, it is apparent that petitioner Arbin who himself was a salesman in



CRM-M-33780-2023

-4-

the wine shop lodged the FIR with the Police. However, during the investigation, he himself was found to be involved in the occurrence, as he duly hatched a conspiracy with the co-accused for committing robbery in the wine shop. On the disclosure statement of petitioner Arbin, co-accused petitioner Rinku was also found to be involved. During the investigation, recovery of cash, motorcycle and country made pistol was effected by the Investigating Agency. Antecedents of both the petitioners are also writ large as both are involved in multiple cases of the same nature. Simply because they are on bail in those cases, no ground for their entitlement for grant of regular bail, is made out.

8. Though it has been argued by counsel for the petitioners that after having been granted interim bail, the petitioners have not misused the same, but looking at the gravity of the offence, the petitioners are stated to have committed, the arguments raised by counsel for the petitioners, are totally mis-conceived.

9. Thus, the interim bail granted to the petitioners vide order(s) dated 01.02.2024 and extended from time to time, stand automatically vacated and both the petitions are dismissed. The petitioners are directed to surrender before the trial Court/Duty Magistrate concerned, forthwith.

10. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

02.08.2024
sharmila

Whether Speaking/Reasoned
Whether Reportable

(RAJESH BHARDWAJ)
JUDGE

: Yes/No
: Yes/No