

2024:PHHC:126782



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

278

CRM-M-38392-2024 (O&amp;M)

Date of decision: 24.09.2024

**Mahesh @ Mundi****...Petitioner****Versus****State of Haryana****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. J. S. Ghumman, Advocate  
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

**MANISHA BATRA, J. (Oral)**

1. This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case bearing FIR No. 461 dated 12.10.2020, registered under Sections 341, 395, 397 of IPC (Section 412 of IPC and Section 25(1B)(A) of the Arms Act, 1959 added later on) at Police Station Sector 10, District Gurugram.

2. As per prosecution case, complainant Ashok Kumar lodged a written complaint on 12.10.2020 alleging therein that on the night of 11.10.2020, he was going towards Sector 82, Gurugram while driving his car bearing registration number HR-26-EK-6159 and when he reached at Garhi flyover on Dwarka Expressway, suddenly a car came from wrong direction. The driver of the said car parked his vehicle in front of the car of the complainant and hit his car, thereby compelling the complainant to stop his vehicle. Thereafter, 4-5 youths alighted from the said car. One of them was having some fire arm. They opened an assault upon him by extending beatings

2024:PHHC:126782



to him after making him fall on the back seat of his car. Thereafter, they made him sit on the front seat. Two of them caught hold of him from rear side and they took him towards Gurugram while extending beatings. Thereafter, they removed his gold neck chain, ring and took cash amount of Rs.80,000/- kept in the dash board. His mobile phone and wallet containing his driving licence, ATM Card, RCs of some vehicles owned by the complainant were also snatched and after throwing him on the road, they fled away with his car. On the basis of his complaint, aforementioned FIR was registered. Investigation proceedings were initiated. During investigation, CCTV footage from the crime scene was collected and the same was taken into custody by the police. The car of the complainant was recovered from Dharuhera on 30.10.2020 in a damaged condition. The petitioner, who was arrested in another case arising out of FIR No. 365 dated 10.09.2023, registered at Police Station Kherki Daula, was interrogated and suffered disclosure statement admitting his involvement in this case also. He also disclosed about the complicity of co-accused Bir Singh, Vinod and Govind. The petitioner and aforesaid co-accused were joined into investigation of this case and their disclosure statements were recorded. They got demarcated the place of occurrence. Offence under Section 452 of IPC was added. The test identification parade of co-accused Bir Singh, Vinod, Govind and Rahul was conducted. Investigation has since been completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was neither named in the FIR nor was identified by the complainant as one of the persons, who had committed the

2024:PHHC:126782



subject offences. He was arrested in connection with aforesaid FIR No. 365 and the police has falsely implicated him in this case. The car of the complainant has wrongly been shown to have been recovered from the petitioner as the same was found abandoned at the highway. The petitioner is in judicial custody since 03.10.2023. Investigation has since been completed and challan has been presented. However, out of total 29 prosecution witnesses, only 06 witnesses have been examined so far, which shows that the conclusion of trial is likely to take long time. No useful purpose would be served by keeping him in custody anymore. Hence, it is prayed that the present petition deserves to be allowed.

4. Status report has been filed by the respondent-State. It is submitted therein and learned State counsel has argued that the petitioner is an active member of a gang comprising aforesaid co-accused, which is involved in such like offences. This gang is operating from Rajasthan and Haryana and has been looting vehicles. The petitioner was asked by the co-accused to sell the car of the complainant but he could not do so as the car had met with an accident and thereafter, he had abandoned the same. Apart from the present FIR, the petitioner is involved in three more FIRs. Therefore, he has argued that the present 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. As per the allegations in the FIR, when the complainant was going towards Sector 82, Gurugram on 11.10.2020, the accused persons had waylaid his car with their car and while extending him beatings, had snatched

2024:PHHC:126782



his car, cash amount of Rs. 80,000/- along with certain other documents. The petitioner, who was in custody in connection with aforesaid FIR No. 365, was involved in this case too on the basis of the disclosure statement suffered by him admitting his involvement in the present case. The allegations against the petitioner are that he is an active member of the said gang and had taken the car of the complainant from co-accused to sell it further but since it met with an accident in the meanwhile, he abandoned the same. The petitioner is in custody since 03.10.2023. As per status report, *challan* was presented on 12.12.2023 citing 29 persons as prosecution witnesses. However, only 08 witnesses have been examined so far, which means conclusion of trial will take time. Therefore, keeping in view the aforesaid facts and circumstances, I am of the considered opinion that no useful purpose would be served by keeping him in custody anymore.

7. Accordingly, the present petition is allowed and the petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

8. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

24.09.2024

*Waseem Ansari*

(MANISHA BATRA)  
JUDGE

*Whether speaking/reasoned*

*Yes/No*

*Whether reportable*

*Yes/No*