

2024:PHHC:131805



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

CRM-M-48689-2024

Date of Decision: 03.10.2024

JAYANT BHUTANI

... PETITIONER

VS.

STATE OF HARYANA

.. RESPONDENT

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Naveen Sheokanda, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, Assistant Advocate General,
Haryana.

MANJARI NEHRU KAUL, J.(ORAL)

The petitioner is seeking regular bail in the case bearing FIR No. 183 dated 31.07.2024 under Section 25 of the Arms Act and Sections 115,306 (6), 333, 351(3) of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 (old Sections 323/394/452/506 IPC), registered at Police Station New Colony, Gurugram District Gurugram.

Learned counsel for the petitioner has drawn attention of this Court to the FIR, which has been annexed as Annexure P-1, and submitted that it was registered against an unknown person, who allegedly came inside the house of the complainant, wearing a helmet with black glasses with his face covered and, thereafter, committed the crime in question i.e., after assaulting the complainant, his mother, son and threatening him at gun point decamped with his gold ornaments and three mobile phone handsets. Learned counsel has submitted that no

suspicion was raised qua the involvement of the petitioner in the crime in question coupled with the fact that the petitioner has no previous criminal antecedents and hence, it is evidently a case of false implication. It has also been argued by the learned counsel appearing for the petitioner that since all the recoveries of articles, allegedly stolen from the house of the complainant, stand effected by the Investigating Agency and even challan stands presented, further incarceration of the petitioner would serve no useful purpose, as charges have not yet been framed and as many as 13 witnesses have been cited by the prosecution.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite has reiterated the allegations levelled in the FIR which has been annexed as Annexure P-1 and stands reproduced hereinbelow:-

“To SHO, Police Station New Colony Gurugram. I Mohit Manchanda (alias Rohan Manchanda) S/O Late Shri Sanjay Manchanda R/O House No. 498/21, Street No. 8, Madanpuri, Gurugram, Today on 30-7-2024, at about 4:00 pm (evening), I was at home with my mother, my mother was sleeping in her room, I was busy working on my mobile, suddenly an unknown person came and stood near me, who was wearing a helmet and had black glasses on his eyes and his face was covered with a white cloth, he came near me and hit me on the head, then I saw the unknown person and screamed, hearing my screaming, my mother Anita Manchanda came from her room to my room and my mother started beating that unknown person and tried to throw him out of the house, then that person took out a pistol and started hitting my mother, my mother bit that person's finger with her teeth, then that unknown person pushed my mother, due to which my mother went near the wall and fell down and the corner of the wall hit my mother's head and started bleeding. The unknown person took out a pistol and it hit my mother, so to save my mother, I hit him, then he took out a knife and hit me and said that he

would kill me. My mother got scared on hearing this and the unknown person said to my mother that hand over all the gold and cash that she had, to which my mother got up and handed over the two gold bangles, two gold rings and the gold chain that she was wearing around her neck to the unknown person. After that, the person pointed a knife at my mother and told me that my pistol has fallen and give it to me, I picked up the pistol from near the sofa and handed it over to him. The person asked my mother to open the cupboard, but no gold or cash was found in the cupboard. Then that person came to my room and kept on my table 03 mobile phones - Vivo in which 7988377917 sim and second Oppo Real-ME 7 PRO in which 9711019871 and Oppo in which 8800119504 with the Airtel sim, put it in his bag and while taking me outside to the gun point, said and threatened that if your mother comes out he will kill me and that person took the gold and mobile looted from our house and fled from here on his bike. So, you are requested that the unknown person who entered our house, killed my mother and me, looted us at gunpoint and threatened to kill us, legal action should be taken against them and our gold and mobile should be returned.”

Learned State counsel has submitted that although the petitioner has not named in the FIR in question, however, soon after the alleged occurrence when the matter was reported to the police, the petitioner was arrested alongwith the stolen articles which left no manner of doubt about his involvement in the crime in question. It has further been submitted, on instructions, that the challan stands presented; since, none of the prosecution witnesses have been examined, in case the petitioner is enlarged on bail, there is a genuine apprehension that he could intimidate/influence the witnesses or even tamper with the evidence and hence, the petitioner be not extended the concession of bail.

In the facts and circumstances as enumerated above coupled with the stage of trial, the present petition stands dismissed. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

03.10.2024
smriti

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No