

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

228

2024:PHHC:031379
CRM-M-53215-2023
Date of decision: March 5th, 2024

Vishal alias Lally
.....Petitioner

Versus

State of Punjab
.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. S.S. Thakur, Advocate
with Mr. Anshul Sharma
and Mr. Gaurav Kaushal, Advocates
for the petitioner.

Mr. Navdeep Singh, Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of bail in FIR No.199 dated 24.07.2023 under Sections 379-B(2), 148, 149 of the IPC (Section 22 of the NDPS Act added later on) registered at Police Station Phillaur, District Jalandhar.

2. Learned counsel for the petitioner, *inter alia*, contends that a false and fabricated case has been planted upon the petitioner, which is evident from the fact that neither was he named in the FIR in question nor was any suspicion raised qua his involvement in the crime in question. It was after ten days of the alleged occurrence, the petitioner was nominated as an accused and that too on the basis of a disclosure statement allegedly suffered by co-accused, who had snatched the bag containing about Rs.23.5 lakh (collection from the toll plaza) from the complainant. He submits that no recovery whatsoever has been effected from him. Learned counsel further submits that since the petitioner has clean antecedents, it lends credence to his false implication in the instant case. It has also been submitted that as many

as 14 witnesses have been cited by the prosecution, however, after the charges were framed on 30.01.2024, none of the prosecution witnesses had been examined. Hence, there was no likelihood of the trial concluding in the near future.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite has drawn the attention of this Court to the allegations levelled in the FIR, which has been annexed as Annexure P-1. It has been submitted that the complainant along with one other person was going in their vehicle after collecting the cash at the toll plaza when the car of the accused chased and intercepted them; two persons alighted from the car and after manhandling the complainant and the driver of his car, not only assaulted him but also snatched the bag containing Rs.23.5 lakh before fleeing away from the spot. Learned State counsel, on instructions from ASI Surjit Singh, has submitted that the petitioner along with co-accused had done a recce of the place of occurrence and hence, he was as much an active participant in the crime in question as the others, who had snatched the bag containing the money. It has also been submitted that the petitioner was very much present in the car of the accused at the time of the alleged occurrence. Learned State counsel has submitted that since the prosecution evidence has not yet commenced, there could be a possibility of the petitioner tampering with evidence or even intimidating the witnesses in case he is enlarged on bail and hence, his prayer for regular bail be declined.

4. I have heard learned counsel for the parties and perused the relevant material on record.

5. *Prima facie*, there are serious and specific allegations

against the petitioner. Merely because he was not named in the FIR in question would not come to his rescue, more so when in such like occurrences, the complainant cannot be expected to know the name of the alleged assailants.

6. Be that as it may, in the facts and circumstances and the allegations levelled in the FIR in question, the petitioner does not deserve to be extended the concession of bail.

7. The instant petition stands dismissed.

8. 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.

March 5th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No