

Niwas, Shiva Colony, Block-C, Taruwala, Ponta Sahib. I have a College and Hotel in Ponta Sahib. I purchase furniture etc. for my college and hotel from Yamuna Nagar. On 27.04.2023, I had withdrawn Rs.5.00 lacs from the account of the college and today on 29.04.2023, had withdrawn Rs.2.00 lacs from my account. At about 10.30 A.M. I after boarding in my car No. TO323HP4913 Marka Venue, after taking my amount of Rs.7.00 lacs, had started from Ponta to Yamuna Nagar. In the noon at about 1.30/2 PM when I, after crossing Partap Nagar Karora reached towards Yamuna Nagar, a boy had given signal with hand to me. I had stopped the car and he had to go Jagadhri. I had taken him, he appeared to be student to me. When I covered some distance, the boy who had taken lift from me, started saying that I have to take water. I stopped the car and that boy brought the water and I again after taking him, started for Yamuna Nagar. The boy had taken out a laptop from his bag and started doing something and told me that I have to send a mail, net is not working, stop the car once. Then I took the car in a side and stopped. Then the boy had made a phone call. Then from behind a vehicle of Dial 112, bearing No. HR99-0674 after coming there had stopped and from the vehicle three police officials in dress and one person in civil dress alighted therefrom, and a person in civil dress was sitting in the vehicle Dial 112 and he after alighting, started rebuking me and one person took out key of my car. I had feared and the boy sitting with me, after talking with them, all of them had taken search of my vehicle and surrounded my car. They lifted a carry bag containing cash of Rs.7.00 lacs and two blank cheques having my signatures were lifted by them and all the police officials boarded in vehicle Dial 112. The police officials asked me to stop there and went away after taking Dial 112 vehicle.”

3. Contends that petitioner has been falsely implicated in the present case as there is no incriminating material against him. Also contends that petitioner is not named in the FIR; rather, nominated on the basis of disclosure made by co-accused-SPO Manjit Kumar. Further contends that investigation is already over, but charges are yet to be considered; thus, the trial is likely to take sufficient long time.

4. *Per contra*, learned State counsel, while opposing the prayer, submitted that petitioner along with other co-accused hatched a conspiracy to commit the offence while robbing the complainant to the tune of Rs.7,00,000/- as well as two blank signed cheques. Also submitted that after going through the Call Detail Record (CDR) of the mobile phone of the petitioner, his complicity is apparent. He further submitted that at relevant point of time, petitioner as well as other co-accused were in constant touch with each other through their mobile phones and during Test Identification Parade, he has been duly identified by the complainant.

5. Heard both sides and perused the paper-book.

6. Although, petitioner was not named in the FIR; but during interrogation of accused SPO Manjit Kumar made a disclosure regarding his complicity as well as role of the petitioner in commission of crime. It has also come on record during investigation that petitioner along with other accused were very much present at the place of occurrence. Apart that, there is sufficient material to establish that before commission of the crime, accused were in constant touch with each other and they hatched a conspiracy to rob the complainant on a highway. Also noteworthy that petitioner along with other co-accused (including three police officials) have been duly identified by the complainant during Test Identification Parade conducted by the police; thus, the matter cannot be taken lightly.

7. In view of the facts and circumstances discussed herein-above, *prima facie* the allegations are very serious, therefore, releasing the petitioner on bail will certainly hamper the fair trial.

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8. Thus, in such a scenario, there is no option, but to dismiss the petition at this stage.
9. Ordered accordingly.
10. It is clarified that observations made above shall not be construed as an expression of opinion on merits of the controversy, in any manner.
11. Pending application(s), if any, shall also stand disposed off.

07.02.2024
adhikari

(MAHABIR SINGH SINDHU)
JUDGE

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