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

311

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Date of decision: 12th December, 2024

Amandeep @ Baba

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Rahul Rathore, Advocate for the petitioner.
Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been filed by the petitioner seeking grant of regular bail in case bearing FIR No. 336 dated 27.12.2019 registered under Sections 397, 394, 392, 364, 201/34 of Indian Penal Code, 1860 and Section 25 of Arms Act, 1959 (Section 341, 395, 398 of IPC deleted later on and Sections 394, 392, 201/34 of IPC and Section 25 of Arms Act added later on) Police Station Cheeka, District Kaithal, Haryana.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR had been registered on the basis of a complaint lodged by the complainant Ravi Rathore, making allegations that on the night of 26.12.2019, he had been abducted by four youths while he was going towards his house in his car bearing registration No. PB-13BB-5500. The abductors by stopping his car with their own car, forcibly alighted him, threw chilli powder in his eyes and started driving his car.

They robbed him of his mobile phone, neck gold chain, wallet containing



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cash amount of Rs. 30,000/- and ATM card. They forced him to reveal his ATM pin number and withdrew money from his ATM card and while extending beatings to him left him at an abandoned place.

3. After registration of FIR, investigation proceedings were initiated. CCTV footage from the petrol pump, where the complainant had gone just before the incident and of the toll plaza were taken. The petitioner who was in custody in another case registered at police station Nissing, Karnal, suffered disclosure statement admitting his involvement in this case on the basis of which he was joined into investigation of this case and got recovered cash amount of Rs. 20,000/- out of the robbed amount. Offences under Sections 365, 392, 394 read with Section 34 of IPC were added. Since the remaining accused could not be arrested hence challan was presented against the present petitioner. Subsequently, the co-accused Rajinder @ Jinder, Ravinder @ Binder were also arrested. Additional charge sheet was prepared and submitted against them. One of the robbers namely Sachin Rana was declared a proclaimed person. Trial is going on.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was not named in the FIR. A false recovery has been planted upon him. In his sworn deposition, the complainant has not identified him, as one of the accused. He is in custody since 27.10.2024. His further detention would not serve any useful purpose. He has been acquitted in all other cases registered against him. As such, it is urged that he deserves to be released on bail.

4. Status report has been filed by respondent-AAG, Haryana.

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Learned AAG, Haryana has argued that there are serious allegations against the petitioner. The petitioner suffered disclosure statement in some other case and then in this case, admitting his complicity in the crime. He also got recovered some of the robbed money. He was directly involved in withdrawing cash amount of Rs. 20,000/- from ATM booth of HDFC Bank by using ATM card of the complainant. He is a habitual offender since nine other cases have been registered against him. He has even been convicted in one of such cases. There are chances of petitioner's absconding, if extended benefit of bail. Trial is at its fag end. Therefore, it is argued that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. The petitioner along with co-accused is alleged to have abducted the victim and robbed him of his belongings including money. He is also alleged to have withdrawn an amount of Rs. 20,000/- by using the ATM card of the complainant on the night of incident itself. However, when the complainant appeared as witness before the Court, he did not identify the petitioner as one of his abductors. The prosecution has relied upon some CCTV footages, but as asserted by learned counsel for the petitioner and as conceded by learned AAG, Haryana, identity of the petitioner has not been established from these CCTV footages. It is well settled proposition of law that lodging of other criminal cases against an accused cannot be stated to be a ground for dis-entitling him from concession of bail. The petitioner is in



custody since 27.10.2024. His further incarceration would not serve any useful purpose. Keeping in view the discussion as made above, but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petition deserves to be allowed. Hence, the same is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

12th December, 2024
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |