

In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-53199-2024 (O&M)
Date of Decision:-17.12.2024

Priyankal @ Pintu... Petitioner

Versus

State of Haryana... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vishal Singh, Advocate with
Mr. Samarvir Singh, Advocate for the petitioner.

Mr. Neeraj Sheoran, DAG, Haryana.

FIR No.	Dated	Police Station	Under Section/s
666	30.9.2023	Chandnibagh, District Panipat	365, 379-B and 34 of Indian Penal Code and Section 25 of Arms Act

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of the aforementioned FIR.
2. The FIR was lodged by the complainant - Suresh Kumar, wherein it is alleged that on 29.9.2023, when he was proceeding in his car to attend a birthday party of his friend in Sector - 12, Panipat, then at about 10:30 PM, two boys signaled his car to stop. When he stopped the car, the said 2 boys told him that they are from CIA staff and that the complainant was required to accompany them. One of them while brandishing a pistol told the complainant to sit on the rear seat and one of the boy started driving the vehicle. It is alleged that later they snatched an amount of Rs.15,000/- which the complainant was carrying and also snatched his 3 ATM cards, his mobile



phone and a gold ring. When the complainant was asked about the PIN number of his ATM card, he disclosed incorrect number. Later when one of them went to the ATM to operate his ATM card and could not draw the amount, then the said persons inflicted a blow with some iron article on his head and again inquired about the bank ATM number. It is further alleged that thereafter the complainant passed out and was thrown out of the car. When he managed to go back to his home, he realized that an amount of Rs.25,000/- had been withdrawn from his bank account. It is further the case of prosecution that subsequently when the petitioner came to be arrested in connection with FIR No.648, dated 5.10.2023 registered at Police Station Shivaji Colony, Rohtak, under Sections 379-A, 511 of Indian Penal Code and Section 25 (1B)(a) of Arms Act, 1959, he suffered a disclosure statement on 26.10.2023 admitting that he had snatched a 'Breeza' vehicle bearing registration No.HR-60K-9972 from near Grain Mandi Cut, SBI Bank GT Road, Panipat i.e. the vehicle of the complainant.

3. Learned counsel for the petitioner submitted that the petitioner is nowhere named in the FIR and has been nominated as an accused on the basis of a disclosure statement allegedly made by the petitioner when he was taken into custody in connection with another case i.e. FIR No.648, dated 5.10.2023. Learned counsel for the petitioner further submitted that the petitioner, in any case, has been behind bars since the last more than 1 year and since as on date only 1 PW out of cited 26 PWs has been examined, his further detention would not serve any useful purpose. It has also been informed that co-accused Karambir @ Chhota has already been granted bail by this Court vide order dated 1.10.2024 (Annexure P-3).

4. Opposing the petition, learned State counsel submitted that having regard to the fact that the petitioner himself confessed his guilt and while also noticing that he stands involved in two other identical cases registered for offence under Section 379-A of IPC, it is apparent that the petitioner is a habitual offender. Learned State counsel has not disputed the fact that the petitioner as on date has been behind bars since the last about 1 year and 1 month and that as on date 1 PW out of cited 26 PWs has been examined.
5. This Court has considered rival submissions addressed before this Court.
6. Admittedly, the petitioner is not named in the FIR and came to be nominated subsequently on the basis of his own disclosure statement. The admissibility and veracity of such like disclosure statement would be debatable. In any case, the petitioner has been behind bars for a substantial period of about 1 year and 1 month. Conclusion of trial is likely to consume time inasmuch as only 1 PW out of cited 26 PWs has been examined so far. Under these circumstances, further detention of the petitioner would not serve any useful purpose.
7. The instant petition, as such, is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

17.12.2024

Geeta/P

(Gurvinder Singh Gill)

Judge

Whether speaking /reasoned

Whether Reportable

Yes / No

Yes / No