



CRM-M-60988-2023 and other connected matters

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214 – 3 cases

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

Date of Decision:- 30.07.2024

(1)

CRM-M-60988-2023

Sahil alias Bhedu

...Petitioner

Vs.

State of Haryana

...Respondent

(2)

CRM-M-61847-2023

Parmod alias Rajat

...Petitioner

Vs.

State of Haryana

...Respondent

(3)

CRM-M-3885-2024

Sandeep Rathi alias Lathi

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Deepender Pratap Singh, Advocate
for Dr. Pankaj Nanhera, Advocate
for the petitioner in CRM-M-61847-2023.

Mr. Rao Ajender Singh, Advocate
for the petitioner in CRM-M-60988-2023.

Mr. Charanji Lal, Advocate
for the petitioner in CRM-M-3885-2024.

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Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

Mr. Harsh Jain, Advocate
for the complainant.

AMARJOT BHATTI, J.

1. The petitioners – Sahil alias Bhedu, Parmod alias Rajat and Sandeep Rathi alias Lathi have filed separate petitions under Section 439 Cr.P.C. for grant of regular bail in FIR No. 299 dated 03.08.2023 (Annexure P-1), under Sections 398, 401, 115, 120-B of Indian Penal Code, 1860 and Section 25(1-B)(a)-54-59 of Arms Act, registered at Police Station Sadar Hansi, District Hisar, Haryana. These petitions have arisen out of same FIR, therefore, all the petitions are taken up together for disposal.

2. Facts of the case are that on 03.08.2023 at about 08:15 PM, Investigating Officer Sub Inspector Pawan Kumar along with police party was on patrol duty. He received secret information that two boys duly armed were standing with Bullet motorcycle under Hansi By-pass Bridge on Sheikhpura Road and apparently plotting to rob passersby. On the basis of this information, driver of vehicle was told to remove light from vehicle and police party reached the disclosed place where they saw two young boys standing on both sides under the bridge, each one of them holding a weapon. When their vehicle reached under the bridge, both boys signalled them to stop by showing weapons. Vehicle was stopped and two armed boys immediately surrounded them. With the help of police party, both boys were controlled. One of the boy disclosed his name as Parmod alias

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Rajat and from his possession, one pistol having four rounds in magazine and one round in chamber was recovered. There was a bag carried by him in which again total four pistols, two mobile phones (one Samsung and one Iphone) along with rounds were recovered. The other boy apprehended was namely Navdeep alias Ankur. From his possession, one pistol having five rounds in magazine and one round in chamber and bullet motorcycle No. HR-21-P-4547 were recovered. During investigation, names of other accused persons were disclosed in disclosure statements who were also apprehended.

3. Learned counsel for petitioner Parmod alias Rajat in CRM-M-61847-2023 argued that he is falsely implicated in this case. False recovery has been planted on him. He was arrested on 03.08.2023. Co-accused Anup has been granted regular bail by learned Additional Sessions Judge, Hisar, vide order dated 21.09.2023, Annexure P-2. Trial in this case is at initial stage. Challan has been presented and charge was yet to be framed. He is ready to abide by terms of bail order. It is prayed that his regular bail petition may be allowed.

4. Learned counsel representing petitioners Sahil alias Bhedu in CRM-M-60988-2023 and Sandeep Rathi alias Lathi in CRM-M-3885-2024 pointed out that Sahil alias Bhedu was arrested on 25.08.2023, whereas, Sandeep Rathi alias Lathi was arrested on 25.09.2023. Both these accused were named during disclosure statements. They were not apprehended on the spot. They were arrested on the statement of co-accused. They are behind the bars since long. They also referred to regular bail granted in

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favour of Anup vide order dated 21.09.2023, which is relied upon in both bail petitions. It is argued that they are ready to face trial and abide by terms of bail order. Therefore, their regular bail petitions may be allowed.

5. Bail petitions are opposed by learned counsel representing State. Detailed status report has been filed. Factual position is not disputed. It is claimed that petitioners/accused who have filed bail petitions are involved in other cases also. One photograph Annexure R-1 is also placed on record, alleging that all accused clicked photograph showing their weapons. In fact, they were planning to murder Sanjay alias Sanju. Parmod alias Rajat was apprehended on the spot, whereas Sahil alias Bhedu and Sandeep Rathi alias Lathi are specifically named during the course of investigation. Charge-sheet has been framed and case is fixed for prosecution evidence. The allegations are specific and serious. Therefore, they are not entitled to be released on bail.

6. I have considered the arguments. So far as regular bail petition No. CRM-M-61847-2023, filed by Parmod alias Rajat is concerned, he is specifically named in FIR. He was apprehended on the spot and weapons were recovered from his possession. As referred above, challan is already presented. Charge-sheet is also framed and trial is now pending for prosecution evidence. Since, present petitioner is specifically named and apprehended on the spot, I do not find a fit case to release him on bail at this stage. **Therefore, his regular bail petition bearing CRM-M No. 61847 of 2023 is dismissed.**

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7. So far as petitioners Sahil alias Bhedu in CRM-M-60988-2023 and Sandeep Rathi alias Lathi in CRM-M-3885-2024 are concerned, they were not apprehended on the spot. Their names figured during the course of investigation when disclosure statements of co-accused were recorded. Considering the role attributed to aforesaid petitioners, **their regular bail petitions i.e. CRM-M-60988-2023 and CRM-M-3885-2024 are allowed.** They are ordered to be released on bail on furnishing their bail bonds and surety bonds to the satisfaction of Illaqa Magistrate/Duty Judge concerned.
8. My above observations are made only for disposal of aforesaid bail petitions filed by aforesaid petitioners and it has no bearing on the merits of case.
9. All the petitions are accordingly, disposed of.
10. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

30.07.2024

*lalit***(AMARJOT BHATTI)
JUDGE**Whether speaking/reasoned:
Whether reportable:Yes/No
Yes/No