

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53451-2024
Reserved on: 07.01.2025
Pronounced on: 23.01.2025

Amit ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Shivansh Malik, Advocate
for the petitioner.

Ms. Harpreet Kaur, A.A.G., Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
177	05.06.2024	IMT Rohtak, District Rohtak	201, 379-B, 392, 120-B IPC

1. The petitioner incarcerated in the FIR captioned above came before this Court under Section 439 CrPC seeking regular bail.
2. As per para 6 of the status report, the accused has no criminal antecedents.
3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:-

“2. That the facts of the case are that the complainant Sombir S/o Om Parkash R/o Kirti Nagar, Bhiwani at present H.No.1956 Sector-1, Rohtak has moved a complaint to the police to the effect that he is serving as Manager in ICICI Bank, Punjabi Bagh, Rohtak and is having a Swift LXI car bearing registration No.HR-160- 4231. On 5/6/2024 he was going from Delhi to Rohtak at his house and after crossing Kianos Hospital, Rohtak on the way he stopped the car for urination. In the meantime 3 young boys came from Rohtak side on a motorcycle and they stopped their motorcycle behind the car of complainant and two boys came towards the complainant on motorcycle and one of them took out a gun from his bag and pointed on the complainant and asked him to gave the key of car, otherwise he will be shot dead. The complainant was scared and he handed over the key of car to said boy. Thereafter two boys entered in the car of complainant and fled away from spot and one boy ran away the spot on motorcycle towards Delhi. All three boys have muffled

their face with clothes. There was a mobile of Vivo brand with sim No.8607080404 and a laptop of Dell brand (provided by bank) and purse containing Rs.2500/- cash, driving licence and RC of car, aadhar card, pan card and identity card of complainant. The complainant request to take legal action against the accused persons. On the basis of said complaint a case vide FIR No.177 dated 5/6/2024 U/s 379-8, 392 IPC & 25, 54, 59 Arms Act was registered at Police Station-IMT, Rohtak."

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. Counsel for the petitioner submits that FIR has been registered at the instance of Sombir and petitioner has not been named in it and no role has been played by the petitioner and he is not the main accused. Petitioner has been arraigned on the basis of disclosure statement of co-accused which has no evidentiary value. Petitioner was stated to be driver of the bike and all the persons have muffled their faces and as such there is no evidence. Counsel for the petitioner further submits that there is no cogent evidence linking the petitioner with the crime.

6. The State's counsel opposes bail and refers to the status report.

7. It would be appropriate to refer to the following portions of the status report, which read as follows:

"3. That the investigation was carried out and during investigation on 8/6/2024 the accused Sarwar S/o Mukesh Chand R/o H.N.50 Chhawani, Jhajjar; Gaurav S/o Dharambir R/o Village- Chhara Distt.-Jhajjar and Amit S/o Naresh R/o Village-Atayal Distt.-Rohtak were arrested by the police from IMT Chowk, Rohtak with snatched Maruti Swift LXI car bearing registration No.HR-160-4231. On the basis of which Section 120-B IPC was added in this case.

4. That the disclosure statement of the accused was recorded and as per disclosure statement of accused Sarwar a country made pistol with 5 live cartridges and Dell Laptop was recovered from him. As per their disclosure statement the accused demarcated the place of occurrence and also disclosed that they have spent the amount of Rs.2500/- and have thrown the driving licence, R.C. of car, pan card, aadhar card and identity card of complainant with intention to destroy the evidence. On the basis of which Section 201 IPC was added in this case. As per his disclosure statement the petitioner got recovered the pulsar motorcycle without number plate. Thereafter the record of said motorcycle was obtained from Khushi Automobiles Bajaj Company Sampla and as per record said motorcycle was found in the name of petitioner. The opinion of armour about the recovered country made pistol was obtained on 2/7/2024. After completion of investigation the challan against petitioner and co-accused Sarwar and Gaurav has been filed in the court on 3/8/2024 under Section

201, 379-8, 392, 120-B IPC. The charges against the accused have not been framed. There are total 11 witnesses in this case and no witness has been examined so far. Now the case is fixed for 23/12/2024 for framing charges against the accused.”

8. An analysis of the arguments and counter arguments would lead to the following outcome. During investigation, the Investigator was able to recover the car from the possession of co-accused Sarwar and the present petitioner. Even the motorcycle which was used in the crime was found registered in petitioner’s name. Allegations against the petitioner are of snatching the car at gun point which is heinous crime. If this Court grants bail to the petitioner, it would instill fear amongst the drivers who drive on highway and they are afraid of their car being snatched. Although petitioner cannot be kept indefinite during trial, however as per custody certificate dated 06.01.2025, petitioner’s custody is around 07 months which cannot said to be sufficient given the nature of crime.

9. A perusal of the bail petition and the documents attached prima facie points towards the petitioner’s involvement and does not make out a case for bail. The impact of crime would not justify bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.

10. Regarding the delay in the trial, if the trial does not conclude within one and a half year of the petitioner's custody, and the delay is not attributable to the petitioner, the petitioner may apply for bail before the trial Court. The Court shall not be influenced by the dismissal of bail on merits or by the criminal history and shall decide it on changed circumstances and the prolonged trial.

11. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

12. **Petition dismissed.** All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

23.01.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.