



CRM-M-56504-2024

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

CRM-M-56504-2024
Decided on : 06.03.2025

Samresh Myti @ Samaresh Maiti

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Naresh Jain, Advocate,
Mr. K.B. Upadhaya, Advocate,
Mr. Raja Ram Tripathi, Advocate and
Ms. Kalpana, Advocate, for the petitioner

Mr. Tanuj Sharma, AAG, Haryana.

Rajesh Bhardwaj, J.

1. Prayer in the present second petition is for grant of regular bail to the petitioner in a case FIR No.01 dated 01.01.2020, registered under Sections 460, 307, 120-B, 412, 216-A IPC and Sections 25/54/59 of Arms Act, at Police Station Rampura, District Rewari.

2. Succinctly facts of the case are that FIR in the present case was lodged on the statement of complainant Gulab Devi. It was alleged that on 31.12.2019, at about 8:30 p.m, she was sleeping in her room and her husband was watching TV in the outer room, then 6-7 young boys with muffled faces holding iron rods and pistols in their hands jumped over the wall and entered their house. They started beating her husband and thereafter, tied his hands and legs. They started beating her by hitting on her head and snatched her gold bangles and gold earrings, which she was wearing. Thereafter, they broke down the locks of the box and cupboard and robbed cash about Rs.3 lacs and the gold jewellery lying inside. They also



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took out their mobile phones. On raising alarm, the neighbours gathered and hence, the assailants escaped. Her son Gulshan got admitted her and her husband in Government Hospital, where her husband Roshan Lal succumbed to the injuries. Request was made to take legal action against the culprits. On the registration of the FIR, the investigation commenced. During the investigation, identity of the assailants was established by the Investigating Agency and in all 13 accused were found to be involved. Complicity of the petitioner surfaced in the disclosure statement of the co-accused Suraj @ Palla and thus, he was arrested on 14.01.2024. The petitioner made disclosure that he had purchased the looted jewellery for an amount of Rs.1,97,000/- from the co-accused and after melting the gold, he sold the same to other customers. The petitioner approached the Court of learned Additional Sessions Judge, Rewari, thrice praying for grant of regular bail. However, learned Court after hearing both the sides, finding no merit in the petitions filed by the petitioner, dismissed the same vide orders dated 21.02.2024, 29.05.2024 and 18.09.2024. Earlier the petitioner approached this Court praying for grant of bail by way of filing CRM-M-12786-2024, however, the same was allowed to be dismissed as withdrawn vide order dated 18.03.2024. Hence, the petitioner has again approached this Court by way of filing the present second petition praying for grant of regular bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely and frivolously implicated in the present case. He has submitted that neither the petitioner was named in the FIR, nor there is any overt act attributed to him. He submits that the petitioner is a



goldsmith and has been implicated in this case on the basis of the disclosure statement of the co-accused, which is not an admissible evidence. He submits that on completion of the investigation, learned trial Court framed charges against him for the offence under Section 412 IPC. He submits that thus, it is evident that only allegation against the petitioner is to the effect that he dishonestly purchased the stolen property from the co-accused. He submits that the petitioner has no complicity in committing offence under Sections 396 and 307 IPC etc., which was attributed to the co-accused. He, thus, submits that keeping in view the facts and circumstances of the case, the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner. He has placed on record the status report by way of affidavit of Joginder Sharma, HPS, Deputy Superintendent of Police, City Rewari, District Rewari and drawn the attention of this Court to the same. He has submitted that in all there are 13 accused involved in the present case, out of which 11 accused have been convicted by the trial Court and one of the accused was acquitted. The petitioner was arrested on 14.01.2024 and the supplementary challan was filed against him on 08.02.2024. He has submitted that charges against the co-accused were duly proved, wherein husband of the complainant was murdered by them in order to commit dacoity in the house of the complainant. It is submitted that the petitioner had purchased the property looted during the dacoity and committed offence under Section 412 IPC, which is a heinous offence. He submits that only charges have been framed so far and the witnesses are yet to be examined by the trial Court. He, thus,

submits that keeping in view the gravity of the offence, the petitioner committed alongwith the co-accused, he does not deserve the concession of regular bail.

5. The Court has heard counsel for the parties and perused the record with their able assistance. It is deciphered from the submissions made that the dacoity was committed in the house of the complainant, where her husband was murdered by the co-accused and the complainant was also badly beaten. As per case of the prosecution, the petitioner purchased the stolen jewellery looted in the dacoity without any verification from the co-accused. Needless to say that the co-accused already stand convicted by the trial Court. Keeping in view the gravity of the offence and the stage of the trial, this Court finds that the petitioner does not deserve the concession of bail at this stage. Thus, finding no merit in the present case, the same is hereby dismissed.

6. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

06.03.2025			(RAJESH BHARDWAJ)
sharmila			JUDGE
	Whether Speaking/Reasoned	:	Yes/No
	Whether Reportable	:	Yes/No