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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision: 28.01.2025

1. CRM-M-59227-2024 (O&M)

Rajbir @ Rajiv ...Petitioner
Versus
State of Haryana ...Respondent

2. CRM-M-65-2025 (O&M)

Amit @ Mita ...Petitioner
Versus
State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Ms. Divya Godara, Advocate
for the petitioner in CRM-M-59227-2024.

Mr. Narender Singh Sindher, Advocate
for the petitioner in CRM-M-65-2025.

Mr. Rajesh Gaur, Addl. A.G., Haryana.

KULDEEP TIWARI, J. (ORAL)

1. Both the above mentioned petitions are taken up together, as they ammenable to be decided together and common relief for grant of regular bail is claimed in both the petitions.
2. This is the second petition filed by petitioner Rajbir @ Rajbir, whereas the first petition on behalf of petitioner Amit @ Mita which are casted under Section 439 Cr.P.C., and 483 of the BNSS, 2023, with a prayer made for grant of regular bail to the petitioners, in case FIR No.909 dated

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22.12.2020, under Sections 34, 379B, 120-B of the IPC, and under Section 25 of the Arms Act, 1959, registered at P.S. Panipat City, District Panipat.

3. Earlier bail application of petitioner Rajbir @ Rajvir was dismissed as withdrawn way back on 14.05.2024.

4. The allegations against the petitioners are that they snatched money from the complainant on a pistol point. The relevant extract of the FIR reads as under :-

“Copy of the application is as under: To, the incharge of police Post Tehsil Camp Panipat, respected sir, my submission is that I, Mahesh Bajaj s/o Sh. Palla Bajaj r/o 6, Dushyant Nagar, Tehsil Camp and I am running an office of B.C. Agent of HDFC Bank, SBI Bank and of Atal Seva Kendra at Bhawna Chowk, New Ramesh Nagar, Panipat. That my work is of Banking correspondence in my office. That work of my office is money transaction through Banking. That on today morning, at about 08.15 AM, I came to my office while carrying 9.70 thousand rupees and I kept money in a black color bag. That bag also containing my Aadhar card, pan card, ATM card, credit card, check book, power bank, one phone of make MI containing sim cards of BSNL vide no. 9315336789 and other no. 8035408508, some necessary documents of my wife as Aadhar card, pan card, passbook, check book, and ATM card. I put my bag in my office. At about 09.00 AM, 3 boys, among them one was wearing helmet and two of them had covered their face and they were carrying pistol in their hands. They came inside, showed me pistol and snatched the bag containing money and documents and ran away. I followed them for long distance but I did not catch them. Legal action should be taken against them. Applicant Mahesh Bajaj, 9120500000. Police proceedings: Today, on

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dated 22.12.2020, one telephonic information has been received that near Bhawna Chowk, three boys snatched the bag from Mahesh Bajaj and ran away. On receiving the information, I ASI along with HC Narender Singh No. 36 reached on spot, Mahesh Bajaj met us present on the spot, who presented the above said application. From his application, offenses under section 379-B, 34 IPC and 25-54-59 A.ACT are found to be committed.

On this, a ruqa was written for registration of FIR and the same is being sent to Police Station through Constable Narender Singh No. 36. After registration of FIR, the number will be informed. The control room and higher officers may be informed. Special reports may be sent to them. I ASI along with fellow officials is busy in the investigation at the spot at Bhawna Chowk Panipat. Sd/- JAGMAHENDER ASI 214, Police Post Camp Panipat, dated 22.12.2020.”

5. Learned counsel for the petitioners submits that they are behind bar since 30.07.2021 and till date the prosecution is unable to conclude their evidences. They further submit that conclusion of trial would take long time and the further incarceration of the petitioners is unwarranted.

6. Learned State counsel, on the other hand, has opposed the grant of regular bail to the petitioners and placed on record the custody certificate qua the petitioner Rajbir. He further informs this Court that as on date 12 witnesses have been examined, and 8 yet remain to be examined. The perusal of the file reflectes that upon the complaint made by Mahesh Bajaj, who is working at Atal Seva Kendra. The instant FIR was registered for snatching of Rs.9,70,000/-. During investigation co-accused Deepak and Ashok @ Shoki were arrested on 09.01.2021, and thereupon, they got

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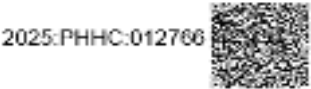


recovered one country made pistol, and 10 live cartridges. Both the above co-accused suffered a disclosure statement, disclosing the name of the present petitioners, Rajbir @ Rajiv and Amit @ Mita, and thereafter they were arrested in this case after taking production warrants, and Amit @ Mita got recovered Rs. 4500/-, one country made pistol .32 bore, 10 live cartridges, and one motorcycle Splendor, whereas, co-accused Rajbir @ Rajiv got recovered Rs. 3,500/-, one country made pistol .32 bore and 10 live cartridges.

7. This Court has considered the rival submissions made by learned counsel for both the parties concerned.

8. It is not under dispute that the petitioners have suffered incarceration more than three years and five months in the instant case, though the petitioners have other antecents, however, considering the days of incarceration, the gravity of offence and the stage of the trial, as 8 witnesses are yet to be examined, this Court deems it appropriate to grant the concession of regular bail to the petitioners. Therefore, without commenting upon the merits and circumstances of the present case, the present petitions are **allowed**. The petitioners are ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

9. However, it is clarified that if in future, the petitioners are found indulging in commission of similar offences, as are involved herein, the respondent-State shall be at liberty to make an appropriate application seeking cancellation of regular bail, as granted by this Court. Moreover,



anything observed here-in-above shall have no effect on the merits of the trial and is meant for deciding the present petition only.

10. A photocopy of this order be placed on the file of the connected case.

28.01.2025
Satyawar

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No