

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

CRM-M-4621-2019

Date of decision:07.02.2019

Mukesh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Gourav Verma, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of regular bail in case registered vide FIR No.373 dated 23.04.2018 under Sections 379 of Indian Penal Code, 1860 registered at Police Station City Hisar, District Hisar.
2. The FIR was registered at the instance of Ms. Saroj Sharma wherein she has stated that she is resident of Canada and that she along with her son Abhishek Sharma had come to India on 05.02.2018 in connection with making preparation for marriage of her daughter. It is alleged that on 14.4.2018 when she was waiting in order to board a direct bus to Gurugram, a bus bearing registration No.HR-62-7175 of Fatehabad

depot came there and she asked the driver as to when a direct bus to Gurugram would come, who told her that she could go to Hisar in his bus and from there she could take a bus to Gurugram and also said that he would help her with her luggage. The complainant has alleged that she boarded the said bus and that one person who had been talking to the driver was moving inside the bus to and fro, although later on she got to know that he was not the conductor and upon reaching Hisar after she alighted from the bus, the Driver helped her with her luggage although he took 4/5 minutes for doing the same and during which period she was feeling dizzy. The complainant suspected that the person who was moving to and fro in the bus had sprayed some intoxicant to make her dizzy. It is alleged that the complainant remained dizzy and later on realized that gold ornaments were missing from her bag worth about 8/9 lakhs apart from cash amounting to ₹8,800/-.

3. Learned counsel for the petitioner submits that he has falsely been implicated in the present case and is being implicated solely on the basis of disclosure statement made by the petitioner himself.
4. Opposing the petition, the learned State counsel has informed that the petitioner is involved in 3 other cases and that in view of the antecedents, no case for grant of bail is made out more particularly since the petitioner in his disclosure statement has admitted the offence. It has further been informed that during the course of investigation, the driver had been found innocent and that as many as 7 accused have been found to have committed the offence and that said investigation is

mainly based on disclosure statement. It has been informed that challan has been filed against 2 of the accused namely Mukesh and Ram and that another 2 have been arrested although a supplementary challan is yet to be filed while 3 accused are absconding.

5. Having considered rival contentions addressed before this Court and bearing in mind the nature of allegations and that the case is mainly based on disclosure statement, the veracity and admissibility of which is yet to be tested during the course of trial and also that the petitioner has been behind bars since last about 3 months, in my opinion, no fruitful purpose would be served by further detaining the petitioner behind bars. The petition, as such, is accepted and it is ordered that petitioner be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.
6. It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

07.02.2019

Gaurav Sorot

**(GURVINDER SINGH GILL)
JUDGE**Whether reasoned / speaking? **Yes / No**Whether reportable? **Yes / No**