

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

1. CRM-M-18641-2020 (O&M)
Date of decision : 12.11.2020

Parveen

...Petitioner

Versus

State of Haryana and another

...Respondents

2. CRM-M-19231-2020 (O&M)
Date of decision : 12.11.2020

P@M

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL.

Present: Mr. S.P. Yadav, Advocate for the petitioner.
(In CRM-M-18641-2020)

Mr. Sanjeev Majra, Advocate for the petitioner
(In CRM-M-19231-2020)

Mr. Samarth Sagar, Addl. A.G. Haryana.

ANIL KSHETARPAL, J.

By this order, CRM-M-18641-2020-Parveen Vs. State of
Haryana and another and CRM-M-19231-2020-P@M Vs. State of Haryana,
shall stand disposed of.

In both the petitions, the prayer is to grant bail pending trial in a criminal case arising from FIR No.190 dated 07.07.2019 registered under Sections 285, 392 of the Indian Penal Code, 1860 and under Section 25 of the Arms Act. Subsequently, offences were added under Section 395, 397, 420, 467, 468, 471 of IPC, at Police Station Nangal Choudhary, District Mahendergarh, Haryana.

P@M and Parveen are in detention from 30.07.2019 & 04.08.2019 respectively.

As per the case of prosecution, on 07.07.2019 three boys came in a vehicle bearing registration plate number HR-51-7940 at a fuel station and asked the salesman to fill the fuel worth Rs.1700/-. After getting the fuel filled, they threw Satish (the Salesman) on the ground and one of accused fired from a firearm. Thereafter, they took away cash from his pocket alongwith two mobile phones and wallet. They also snatched some amount from another salesman Rajesh Kumar. Total amount snatched is alleged to be Rs.30,000/-. After committing the crime, they drove away towards Narnaul.

First petition filed by Parveen was dismissed as withdrawn on 21.05.2020 with liberty to file fresh one with correct particulars.

Pursuant to notice of the petition, Deputy Superintendent of Police has filed the status report, drawing attention of the Court to various FIRs registered against the petitioner-Parveen. Thereafter, opportunity was given to the learned counsel for the petitioner who has produced copy of final reports in FIR No.195 and FIR No.58.

Learned counsels for the petitioners have submitted that the

petitioners have been falsely implicated and they are in detention for 1 year and 3 months approximately. There is no admissible evidence against both the petitioners.

It may be noted here that P@M, the petitioner in CRM-M-19231-2020, is a juvenile, at present confined in a Observation Home.

Learned counsel for the petitioner-Parveen has contended that he is not an accused in FIR No.195 and FIR No.58. He has drawn attention of the Court to the final reports submitted by the Police.

On the other hand, Sh. Samarth Sagar, Addl. A.G. Haryana, has opposed the application.

This Court has considered the submissions. On careful perusal of the final report, it is apparent that when the first informant and his salesman was called for identifying the accused, they told the Police that three accused had come to the fuel station with covered faces, therefore, they cannot identify. On reading of the FIR, it is apparent that this fact is not recorded therein. Still further, as per the case of prosecution on disclosure statement of the Parveen, Rs.2000/- in cash and a service book of I20 car were recovered from his friend's house . A Honda City Car, a snatched vehicle, was found parked at an abandoned place in Chirawa, Rajasthan, which was also recovered on the disclosure of the Parveen. On the other hand, on disclosure statement made by the juvenile, the prosecution is alleged to have recovered Rs.2000/-in cash and a fake registration plate of the car-Honda City.

Without commenting on the merits of the case and keeping in view the facts that both the petitioners have already suffered incarceration

for a period of 1 year 3 months, it is considered appropriate to grant bail to both the petitioners. Accordingly, both the petitioners are directed to be released on bail subject to their furnishing adequate surety to the satisfaction of the concerned Chief Judicial Magistrate/Duty Magistrate.

Hence, both the petitions are allowed.

All the pending miscellaneous applications, if any, are disposed of, in view of the order passed in the main petitions.

12.11.2020

Pawan

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned:- **Yes/No**

Whether reportable:- **Yes/No**