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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

Decided on: 04.12.2020

1. CRM-M No.40024 of 2020 (O&M)

Sandeep

....Petitioner

Versus

State of Haryana

....Respondent

2. CRM-M No.40060 of 2020 (O&M)

Aman

....Petitioner

Versus

State of Haryana

....Respondent

**CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN**

**Present :** Mr. Rajesh Hooda, Advocate  
for the petitioners.

Mr. Deepak Kumar Grewal, DAG, Haryana.

**ARVIND SINGH SANGWAN, J. (Oral)**

Prayer in this petition is for grant of regular bail to the petitioners namely Sandeep and Aman under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.456 dated 23.11.2019, for offence punishable under Section 379-A of the Indian Penal Code, 1860 (in short 'IPC') registered at Police Station Matlauda, District Panipat.

Counsel for the petitioners has argued that as per the allegations in the FIR, registered at the instance of one Shehnawaj, it is stated that he is working in Bharat Finance Limited Company as a Manager and his job is to collect the money from the people and

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deposit the same in the branch. On 08.11.2019, after collecting the installments, he was going on his motorcycle towards the branch, when 03 boys came from behind on a motorcycle, which was not having any number plate and they stopped the victim and snatched the bag, which was carrying Rs.85,000/- and a Tab. It is further submitted that the FIR was registered after a gap of 15 days i.e. on 23.11.2019 and there is no explanation for the same.

Counsel for the petitioners has further submitted that in fact the petitioners were nominated in the present FIR on the basis of the disclosure statement of the co-accused namely Rajesh @ Kala, who was arrested in another FIR No.271 dated 15.03.2020, Police Station Model Town, Panipat and on the basis of the said disclosure statement, the petitioner Sandeep was nominated in the said FIR No.271 as well as in the present FIR whereas the petitioner – Aman, was nominated in the present FIR only.

Counsel for the petitioners has also submitted that the petitioner – Sandeep was arrested on 09.06.2020 in FIR No.271 and he has already been granted the concession of bail by the Additional Sessions Judge, Panipat, in the said FIR. It is further argued that in the present FIR previously, the police has submitted a cancellation report on 23.02.2020, however, on the basis of the disclosure statement, the police has arrested the petitioners by nominating them as an accused.

Counsel for the State has not disputed the factual position that the petitioners were arrested on the basis of the disclosure statement of the co-accused Rajesh @ Kala. It is also submitted that challan stands presented and charges are yet to be framed.

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Without commenting anything on merits of the case, considering the fact that challan stands presented, however, charges are yet to be framed; the custodial interrogation of the petitioners is not required; there was a delay of 15 days in registration of the FIR; the petitioners are nominated in the present case on the basis of the disclosure statement of the co-accused – Rajesh @ Kala and the conclusion of the trial will take some time due to COVID-19 situation, these petitions are allowed and the petitioners namely Sandeep and Aman are directed to be released on bail subject to their furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioners, in case they are found involved in any other case or misusing the concession of bail, in any manner.

**(ARVIND SINGH SANGWAN)**  
**JUDGE**

**04.12.2020**

*yakub*

Whether speaking/reasoned                      Yes/No

Whether reportable:                                  Yes/No