

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-51505-2021 (O&M)
Date of decision: 28.01.2022

Ash Mohmad @ Ashu

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Vikram Singh, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.244 dated 10.06.2020 under Sections 201, 427, 457, 380 IPC, registered at Police Station Civil Lines Jind, District Jind.

Learned counsel for the petitioner relies upon the order dated 02.09.2021 passed in CRM-M-8496-2021, vide which co-accused Samshu has been granted the concession of regular bail, by passing the following order: -

“...Learned counsel for the petitioner submitted that as per the allegations in the FIR which was registered at the instance of Bhupinder Singh that a theft on ATM machine was committed on the intervening night of 09.06.2020/10.06.2020 and an amount of

Rs.21,00,000/- has been taken away. Learned counsel submitted that the petitioner was not named in the FIR and his name has been surfaced only on the disclosure statement of co-accused. The petitioner is in custody since 8.9.2020 and the investigation is complete.

Status report by way of affidavit of Deputy Superintendent of Police, Julana, District Jind, has been filed submitting that after co-accused were arrested in this case, their disclosure statements were recorded. It is further stated that the petitioner was lodged in judicial custody in another case, was taken on production warrant and joined in the investigation of the case and in furtherance of disclosure statement got recovered a sum of Rs.1,20,000/-. It is also submitted that the petitioner is involved in another FIR registered at Police Station Sadar Bazar Saharanpur.

After hearing learned counsel for the parties and considering the fact that the petitioner is in custody for the last one year; he was nominated as an accused on the disclosure statement of the co-accused; trial is yet to start and it will take some time due to COVID-19 pandemic in the country, this petition is allowed and the petitioner is directed to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner...”

For the sake of brevity, facts are not reproduced again.

Learned counsel for the petitioner submits that allegations against the petitioner are identical in nature, as he is also nominated in the FIR on the basis of disclosure statement of co-accused.

Learned State counsel, on the basis of custody certificate, has not disputed the factual position, however, it is submitted that the petitioner is involved in some other cases.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the fact that similarly situated co-accused of the petitioner has already been released on regular bail, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

28.01.2022
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No