

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

CRM-M-4258-2023

Date of decision: 16.03.2023

Sachin Kumar @ Tony

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Ms. Promila Nain, Advocate
for the petitioner.

Mr. Vikrant Pamboo, DAG, Haryana.

NAMIT KUMAR, J. (ORAL)

Petitioner has filed the instant petition under Section 439 Cr.P.C seeking regular bail in a case FIR No.441 dated 03.12.2022 under Sections 171/420/467/468/471 of IPC, 1860, registered at Police Station Barauda, Gohana, District Sonapat, Haryana (Annexure P-1).

In terms of the order dated 01.02.2023, learned State counsel has filed the status report dated 14.03.2023, which is taken on record. Copy thereof has been supplied to the counsel for the petitioner.

The case of the prosecution is that on 03.12.2022 complainant Pardeep presented an application before ASI Sandeep Kumar stating therein that he is serving as a conductor on bus No.HR-56-B-3973 and the said bus is running on way from Jind to Gohana. On 03.12.2022 said bus was going from Jind to Gohana and when the bus reached at Bus Adda, Ludana one unknown person boarded the bus. When he asked the said person for ticket, he told him police staff and showed his identity card depicting his name as Amit rank Police Inspector Unity S.P. Office and others details of his family as mentioned in the police reply. When he suspected the credentials of the identity card showed by

said person, he handed over the said person along with his ID card before the police. On this complaint, FIR No.441 dated 03.12.2022 under sections 171, 420, 468, 471 of IPC Police Station Barauda has been registered and accused Amit was arrested on finding the evidence of his involvement and on his disclosure statement petitioner Sachin Kumar was also arrested on finding the evidence of his involvement.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He was not named in the FIR and he has been nominated in the present case on the disclosure statement of the co-accused Amit, which is not admissible. She has also referred to para No.3 of the status report to show that he has been nominated only on the basis of disclosure statement of the co-accused and apart from the disclosure statement, there is no other linking evidence to connect the petitioner with the offence. She further submits that the petitioner is not involved in other case and is in custody since 11.12.2022 and the investigation is complete; challan has been presented; there are total 8 witnesses, none has been examined yet and the case is now fixed for hearing for today i.e. 16.03.2023 for framing of charges the trial is likely to take considerable time to conclude. She further submits that no recovery is to be effected from the petitioner and no fruitful purpose would be served by further detaining the petitioner in custody.

Per contra, the learned State counsel has opposed the petition, however, he could not deny the fact that apart from the disclosure statement of the co-accused, there is no other linking evidence to connect the petitioner with the offence. He further submits that the petitioner is not involved in other case and is in custody since 11.12.2022.

I have heard learned counsel for the parties and perused the record.

Keeping in view the custody of the petitioner; he has been nominated only on the basis of disclosure statement of the co-accused, challan has been presented; charges are yet to be framed and none of the witnesses has been examined and the trial is likely to take considerable time to conclude. Therefore, further detention of the petitioner may not serve any useful purpose, who is presently confined in judicial custody.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

Accordingly, the present petition stands disposed of.

16.03.2023

Parveen kumar

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned :Yes/No

Whether reportable :Yes/No