

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-6930-2023
Date of Decision:-25.05.2023

NARESH ALIAS NARSI

... Petitioner

Versus

STATE OF HARYANA

... Respondent

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CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. Baljeet Beniwal, Advocate
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

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KARAMJIT SINGH, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in a case having FIR No.411 dated 1.5.2022 registered under Sections 380, 457 IPC (Sections 379-B, 120-B, 420, 467, 468, 471 IPC and Section 25 of Arms Act added later on) at Police Station Camp Palwal, District Palwal.
2. The allegations in nut-shell are that on 1.5.2022, complainant-Sohan Lal Ahuja reported to the police with regard to theft of ATM No.ND286200 containing Rs.25,33,500/- from the area of Palwal at about 2:45 am on that very day.

3. The counsel for the petitioner submits that in the instant case FIR was registered against unknown persons, who committed theft of aforesaid ATM during the night time and co-accused Chand Khan was arrested by the police, who made alleged disclosure statement against the co-accused Ranveer @ Ranvir @ Rana and the said co-accused named the petitioner vide his separate disclosure statement resulting arrest of the present petitioner on 28.6.2022. The counsel further submitted that after completion of investigation, challan stands presented but it will take considerable time for the trial to conclude. The counsel for the petitioner further submits that veracity and admissibility of the disclosure statement made by co-accused against the petitioner are subject matter of trial.
4. The instant petition is resisted by the State counsel, who on instructions from ASI Kushal Kumar submits that in the present case FIR was registered against unidentified persons, who committed theft of ATM during night time and during investigation the petitioner was nominated as accused on the basis of disclosure statement made by co-accused Ranveer @ Ranvir @ Rana and then arrested on 28.6.2022 and recovery of Rs.90,000/- was effected from him. However, the State counsel has not disputed the fact that the trial is at its initial stage and presently petitioner is lodged in judicial custody and co-accused Krishan @ Chotu has been granted bail by this Court vide order 4.5.2023.
5. I have considered the submissions made by counsel for the parties.

6. Admittedly the FIR in this case was registered against unknown persons and the name of the petitioner surfaced in the disclosure statement made by co-accused Ranveer @ Ranvir @ Rana and the same would be tested during trial. Recovery has already been effected and after completion of investigation, challan stands presented but the case is at its initial stage, so no fruitful purpose is going to be served by prolonging judicial custody of the petitioner for indefinite period.
7. Thus, without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

25.05.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No