

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

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**CRM-M-10665-2023
Date of decision: 09.03.2023**

Mohan Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Santosh Kumar Tripathi, Advocate
for the petitioner.

Mr. Rahul Mohan, DAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.389 dated 06.10.2022 under Sections 379 and 420 of the IPC (Sections 392, 204 and 34 of the IPC added lateron) registered at Police Station Khedki Daula, District Gurugram.

Learned counsel appearing for the petitioner while drawing the attention of this Court to the allegations levelled in the FIR which has been annexed as Annexure P-1, *inter alia* contends hat neither was the petitioner named in the FIR in question nor any specific role attributed to him. He submits that thus it is evident that the petitioner has been falsely implicated in the case in hand and that too on the basis of a disclosure statement allegedly suffered by main accused Rahul. Learned counsel further submits that the petitioner has been in custody since 06.10.2022 and there is no likelihood of the trial concluding in the near future as only challan stands presented as on date. He has still further submitted that similarly situated co-accused Amit Das has since

been extended the concession of bail by the Trial Court vide order dated 16.01.2023.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite on instructions, submits that no doubt the petitioner was not named in the FIR in question, however, he was nominated as an accused on the basis of disclosure statement made by main accused Rahul. He submits that the petitioner had called the complainant from his mobile phone to one Rampura Chowk. On reaching Rampura Chowk, main accused Rahul who was a Facebook friend of the complainant along with two others i.e. the petitioner and co-accused Amit Das snatched his mobile phone and thereafter all of them got an amount of Rs.63,000/- transferred from the complainant's account to another account.

On a pointed query put to the learned State counsel as to whether the petitioner was involved in any other criminal case, he on instructions replied in the negative.

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

In the facts and circumstances as enumerated hereinabove, there is no likelihood of the trial concluding in the near future as only challan stands presented. The petitioner has been in custody since 06.10.2022 and is not involved in any other criminal case, this Court, therefore, deems it fit to extend the concession of bail to the petitioner.

Accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed

hereinabove shall not be construed to be an expression of opinion on the merits of the case.

09.03.2023

(MANJARI NEHRU KAUL)
JUDGE

Vinay

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No