

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-27664-2023
Date of decision : 09.08.2023****Parveen @ Machhar****..... Petitioner****versus****State of Haryana****..... Respondent****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Namit Khurana, Advocate
for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

PANKAJ JAIN, J. (Oral)

Reply by way of affidavit of Rajiv Kumar HPS, Deputy Superintendent of Police-I, Yamuna Nagar has been filed on behalf of the respondent-State. The same is taken on record.

2. Prayer is for grant of regular bail in FIR No.59 dated 11.02.2023, registered for offences punishable under Sections 379-B, 34 and 201 of IPC, at Police Station Gandhi Nagar, District Yamuna Nagar.

3. The present FIR come into being on a statement made by Rohit s/o Rajpal Singh, who alleged as under:-

“At 12.30 AM, on my mobile No 99922-76110, I received as order of eating items from ZOMATO Company. I, after taking eating items from Sector 7, Ambala City Market on my motorcycle No.HR01AE0790, had started towards my location received on my mobile. At about 2.30 AM, I had reached near my aforesaid location near Canal Pulia, near Cremation Ground, Jammu

Colony, Yamuna Nagar. On the Canal Bridge, 3 young boys were sitting. I, after stopping my motorcycle, had given eating order to them and demanded Rs.600/- for eating order, who refused to give the money. They hurled abuses to me and grappled with me, out of whom one boy had snatched key of my motorcycle from my finger. While snatching the key, blood started oozing from my finger and other two boys had caught me hold and after snatching Rs.3000/- from the back side pocket of my pant, after pulling me, all the three boys after riding on my motorcycle went towards Hamida Head Bridge. I can identify all the three boys if brought before me. It being night time and unknown place, I was not knowing the police station. While asking I have come to the police station. I have produced copy of my medical examination to your goodself. Legal action may be taken against all these three unknown boys.”

4. Counsel for the petitioner refers to a supplementary statement made by the complainant on 03.05.2023 whereby he completely altered the whole story to state as under:-

“It is stated that I am of the aforesaid name and address and today I have come present before you in Special Staff, Yamuna Nagar. On 11.02.2023 I had got a case registered in Police Station Gandhi Nagar regarding the incident happened with me, on that day I, in the application given by me, had disclosed about coming after taking order of Zomato in Ambala City, that order was taken by me not for Yamuna Nagar, rather from Ambala City near Model Town. Ambala in Friends Colony from Homemade Prantha junction to Ambala Cantt Sharafa Bazar and on dated 10/11.02.2023 in night

at about 12.30 I had given that order on the location given and after that from Ambala I had started to go to my relation at Yamuna Nagar and at about 2.30 A.M. I, had come at Yamuna Nagar and where two boys of unknown names and address had committed incident with me. I have disclosed the truth regarding the incident happened with me and I have got my statement recorded to you in Special Staff, Yamuna Nagar, same has been heard and is correct.”

5. Thus, counsel submits that in fact it is a case of false implication. The petitioner is behind bar for last more than 05 months and 23 days. Investigation already stands concluded and thus otherwise also, there cannot be any apprehension that the petitioner would tamper any evidence and his custody cannot be prolonged as a punitive measure.

6. After hearing the arguments raised by respective counsels, taking into consideration the facts of the case and the incarceration suffered by the petitioner, this Court feels that the petition deserves to be allowed. Resultantly, the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

7. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

09.08.2023
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No