

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

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2023:PHHC:122933

CRM-M-45787-2023

Date of decision: September 19th, 2023

Sandeep @ Shippa

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Abhinav Kalia, Advocate
for the petitioner.

Mr. Rahul Mohan, Senior Deputy Advocate General,
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.0897 dated 02.10.2022 under Section 407 (Sections 201, 379, 411 IPC added later on) registered at Police Station City Karnal.

Learned counsel for the petitioner, *inter alia*, contends that the FIR in question was lodged against accused Sandeep (driver of the truck) and Ram Juari (owner of the truck). Allegedly both the co-accused Ram Juari and driver Sandeep, after quarreling with the brother of the complainant, took the vehicle containing 700 boxes of apples belonging to him, to an undisclosed location. Learned counsel submits that subsequently, a disclosure statement was allegedly suffered by the co-accused, wherein they nominated the petitioner and stated that he had helped in disposing of the apples. Learned counsel submits that the petitioner has been in custody since 16.08.2023 and a false case having been planted upon the petitioner is evident from the

fact that he has clean antecedents. It has also been submitted that the evidentiary value of the disclosure statement on the basis of which the petitioner has been arrayed as an accused is admittedly of a weak nature.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not disputed that the FIR in question was lodged against co-accused Sandeep and Ram Juari and no suspicion was raised qua the involvement of the petitioner in the theft of 700 boxes of apples. However, on instructions, learned State counsel submits that the stolen property i.e. 700 boxes of apples had been sold by the co-accused with the help of the present petitioner.

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

In the facts and circumstances as enumerated hereinabove and the nature of allegations levelled against the petitioner, 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.

September 19th, 2023

Puneet

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No