

2023:PHHC:127527

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

232

CRM-M-48805-2023

Date of decision : 03.10.2023

Shyam Sunder @ Shyam**..... Petitioner**

versus

State of Haryana**..... Respondent****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Surinder Singh, Advocate
for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

PANKAJ JAIN, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.112 dated 08.04.2023, registered for the offences punishable under Sections 379, 420, 201, 149 and 120-B of IPC, at Police Station Butana, District Karnal.

2. FIR came into being on the statement made by Mohd. Imran Alam, wherein it has been alleged as under:-

“I, Mohd. Imran Alam son of Mohd. Jafir Alam, am residnet of B-94, UGF, Anand Vihar, Uttam Nagar, New Delhi – 110059. I am running a courier company in the name of Conficore Pvt. Ltd. My company had entered into an agreement with Caratlane, of whom, we send parcels to Chandigarh on Daily Basis. Today, an employee of mine, whose name is Shivam Singh Son of Rajan Singh, R/o S-81, Mohan Garden, Uttam Nagar, West Delhi,

2023:PHHC:127527

New Delhi-110059, went at Karnal Bye-Pass on 7th April at 5:15 a.m. with a parcel and handed over the same to Karambir Singh, Driver of Vehicle No. HR-10-AG-2597 to deliver the same at Chandigarh. We know him since long. 2 boys and 2 girls also boarded his Taxi on sharing basis from Karnal Bye-Pass to arrive Chandigarh. When they took halt for a tea-break on the said vehicle at Devine Star Dhaba, at that moment, 2 boys came out of the vehicle without any information. After waiting them for a while, driver proceeded forward with vehicle to Chandigarh. When he reached and my staff went to receive the parcel, the parcel was not there. The staff immediately rushed towards the Dhaba with driver, where the vehicle took halt and CCTV footage was seen by my staff. Wherein, one out of two boys was seen containing that parcel. There were jewellery products of Caratline Company in the said parcel which were having value of Rs. 9,60050.87. Products are as following: CL 2204016, 5325, 5908, 6147, 2290, 5806, 2364, 3507, 5682, 3341, 1939, 2400, 3570, 3578, 2389, 2678, 7463, 2138, 6624, 5687 3403, 6175, 3284, 6622, 2900, 7000, 3433, 2228, 2681. Whereas, we kept on searching both boys, but, we could not find out them as well as the articles. Both those boys have made theft of our goods by misrepresenting them as passengers. Legal action may kindly be taken against them and articles be recovered.”

3. Co-accused Manjit was identified in the CCTV footage which further led to nomination of the present petitioner and recovery of Rs.1,47,000/- is stated to have been made pursuant to the disclosure made by the present petitioner.

2023:PHHC:127527

4. Counsel for the petitioner submits that the petitioner is behind bars since 10.04.2023. Not only the investigation stands concluded, but the trial has considerably proceeded. So much so, the material witnesses namely Mohd. Iram Alam, Shivam and Karambir Singh already stand examined. The aforesaid facts are not disputed by counsel representing the State.
5. Keeping in view the incarceration already suffered by the petitioner and without commenting on the merits of the case, the present petition is allowed. 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.
6. 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

03.10.2023
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No