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

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CRM-M-54798-2023

Date of decision : 07.11.2023

Kamal @ Kalu**..... Petitioner****versus****State of Haryana****..... Respondent****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Satish Saini, 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 and 420 of IPC (Sections 201, 120-B and 149 of IPC added later on) at Police Station Butana, Karnal.
2. FIR was registered on the statement made by Mohd. Imran Alam alleging as under:-

“I run a courier company under the name of Conficore PVT. LTD and my company has agreement with Caratlane regarding delivery of parcels to Chandigarh on daily basis. Toady one boy Shivam s/o Rajan Singh, R/o S-81, Mohan Garden Uttam Nagar, West Delhi is working in my company. On dated 07.04.2023 Shivam departed with parcels at 05.15 am for Karnal by-pass and he gave the parcel to deliver at Chandigarh to driver Karambir, whom we know earlier, whose vehicle

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no. is HR10AG-2597. At Karnal by-pass two boys and two girls boarded the vehicle on sharing basis to go to Chandigarh. When we stopped the vehicle at Divine Star Dhaba, near Raipur Rodan for tea break, the two boys alighted the vehicle and left. Thereafter searching them for some time the driver left for Chandigarh in vehicle. When they reached Chandigarh, my staff reached there to took the parcel and found that the parcel was missing. Immediately the staff alongwith the driver of that vehicle went to the place where the vehicle stopped at dhaba. The CCTV footage of the dhaba was checked and it revealed that one of the two boys took the parcel which contain Cartalane company jewellery products and the value of which was 9,60050.87 rs. Products are as under: CL 2204016, 5325, 5908, 6147, 2290, 5806, 2364, 3507, 5682, 3341, 1939, 2400, 3570, 3578, 2389, 2678, 7463, 2138, 6624, 5687, 3403, 6175, 3284, 6422, 2900, 7000, 3433, 2228, 2681. We made search for two boys but the boys and the parcel could not be traced. They both committed theft of our parcel and cheated by posing as passengers, legal action be taken against them and the parcel be got recovered.”

3. Petitioner is behind bars since 13.04.2023. It is being claimed that the investigation stands concluded and the trial has proceeded considerably. Material witnesses namely Mohd. Imran Alam Shivam Singh and Karambir already stand examined. Further reliance is being placed upon order dated 03.10.2023 passed in **CRM-M-48805-2023** whereby co-accused Shyam Sundar @ Shyam stands admitted to bail and that order dated 19.10.2023 passed in **CRM-M-52267-2023**,

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whereby co-accused Manjeet also stands admitted to bail.

4. Counsel for the petitioner claims parity.
5. State counsel is not in a position to dispute that the trial has indeed proceeded and the material witnesses stand examined.
6. Keeping in view the incarceration suffered by the petitioner and by granting parity vis-a-vis co-accused Shyam Sundar @ Shyam as as well Manjeet already stand admitted to bail, 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.
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

07.11.2023
Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No