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

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CRM-M-61582-2023

Date of decision : 13.12.2023

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

Present: Mr. Shalender Mohan, 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.282 dated 28.06.2023, registered for the offences punishable under Sections 171, 395, 416 and 420 of IPC at Police Station Agroha, District Hisar.
2. Petitioner is not named in the FIR, but as per prosecution, he is stated to be the person who was driving Swift car which as per the allegations levelled in the FIR came from the side of Fransi village and from which the culprits alighted and snatched away the amount of Rs.3,50,000/-.
3. Counsel for the petitioner has relied upon order dated 08.12.2023 passed in CRM-M-60705-2023, wherein co-accused Vikram @ Vicky who was also boarding the car, has been granted bail observing as under:-

“xx xx xx

3 As per prosecution, the petitioner was

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one who came in police uniform sitting in Swift Car and snatched Rs.3.5 lakhs and mobile phone from the complainant. It is not disputed that the name of the petitioner surfaced only in the supplementary statement of Gopal and apart from that prosecution relies upon the disclosure statement.

4 Learned counsel for the petitioner submits that the investigation already stands concluded. Challan stands presented. The petitioner is behind bars since 12.07.2023 and thus the custody of the petitioner cannot be prolonged as a punitive measure.

5 Learned State counsel on instructions from Investigating Officer is not in a position to dispute the aforementioned factual assertions based on record.

6 I have heard learned counsel for the parties and have gone through the records of the case.

7 Without commenting on the merits of the case and considering the incarceration suffered by the petitioner, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

8 Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.”

4. Counsel representing the petitioner further relies upon order dated 10.10.2023 passed in CRM-M-41014-2023 whereby co-accused Jaspal Singh has been granted pre-arrest bail by Coordinate Bench, observing as under:-

“Present petition has been filed under Section 438 of Code of Criminal Procedure, 1973 (for short

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‘Cr. P.C.’)for grant of anticipatory bail to the petitioner in case FIR No.282 dated 28.06.2023, registered under Sections 171, 395, 416, 420 of Indian Penal Code,1860 at Police Station, Agroha, Hisar.

2. Learned counsel for the petitioner submits that pursuant to earlier order dated 21.08.2023 passed by this Court, petitioner has joined the investigation and has fully cooperated in the same.

3. Learned State counsel per her instructions from ASI Ramji Lal submits that petitioner has joined investigation and in view of cooperation rendered by him and no custodial interrogation of petitioner is required.

4. In view of the above, since custodial interrogation of petitioner is no more required and he has already joined investigation and cooperated with the investigating officer, present petition is allowed. Order dated 21.08.2023 granting interim anticipatory bail to the petitioner is made absolute, subject to petitioner’s complying with provisions under Section 438(2) Cr.P.C.

5. Pending application(s), if any, shall also stand disposed of.”

5. Counsel for the State is not in a position to dispute that the main allegation of snatching the money is against Jaspal Singh.

6. Keeping in view the aforesaid facts, granting parity and considering the period of incarceration suffered by the petitioner and the fact that the investigation stands concluded and challan stands presented, 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.

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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

13.12.2023
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No