

CRM-M-62651-2023

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2023:PHHC:164652

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

CRM-M-62651-2023
Date of decision : 21.12.2023

AMAN

....Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Mohan S. Rana, Advocate for the petitioner.

Mr. A.K. Sehrawat, DAG, Haryana.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.316 dated 21.10.2021 registered for the offences punishable under Sections 392, 394, 411 read with Section 34 of the IPC at Police Station Furrukh Nagar, District Gurugram.

2. Custody Certificate of the petitioner has been filed today in Court. The same is taken on record.

3. On 18th of December, 2023 following order was passed :

“The order granting regular bail to the co-accused Dharmernder passed by Addl. Sessions Judge, Gurugram, dated 11th of November, 2021 shows the details of the FIR as under :

FIR Number	:	316 dated 21.10.2021
Under Section(s)	:	379B, 411 read with Section 34 of IPC
Police Station	:	Farrukhnagar Gurugram

In the present case the petitioner seeks regular bail in FIR

No.316 dated 21st of October, 2021 registered for the offences punishable under Sections 392, 394, 411 read with Section 34 of the IPC, at Police Station Farrukh Nagar, District Gurugram.

There is marked difference between the offences mentioned in the order dated 11th of November, 2021 and those in the present FIR.

State Counsel to verify the aforesaid fact and also shall ascertain as to whether co-accused has been granted bail under Sections 392, 394 IPC or not.

List on 21.12.2023.”

4. Today Mr. Sehrawat submits that it is during the course of investigation that offences punishable under Sections 392 and 394 IPC were added and Section 379-B was deleted.

5. As per the contents of the FIR it has been alleged as under :

“I request that I Dr. Pankaj Beniwal S/O Dr. Kanwal Singh resident of Ward No. 6 Gaushala Road, Nikhaar Colony, Farukhnagar Gurugram. On date- 20/10/21 at 11.00 PM I had come home from my hospital on my car, when I reached near my house, then I parked my car number HR 76E 3155 in front of the gate and I went inside to open it. Two unknown persons sit in my Honda City car and started running by the car at high speed, then I followed them and I caught the person sitting in the back seat in the moving car and hung with the car for some distance and they increased the speed due to which I fell down and I also got hurt on my arms and legs. And he took the car in front of my eyes and took him towards the police station road at high speed. In my car all the documents of the vehicle (R.C, Insurance, Driving License, Pollution and Mobile Phone Nokia 6.1 with IMEI No. 1 (SIM 1): 353398091171224, IMEI (SIM 2) 353398095671229 containing numbers 9466235355 and 8607108611. Apart from this there was Rs. 50000 (Cash). Engine No. L15214433682 MAKGM655HJN301528. Svmtec (1 & Chassis Model No.- Vtec)

Marka Honda No. 1.5 Th City City, Colors is White. Take legal action against the Unknown Persons.xxxx”

6. State Counsel does not dispute that the car was recovered from co-accused Dharmender who is on bail since 11th of November, 2021. The petitioner was nominated on the disclosure made by Dharmender and is in custody for last more than 1 year, 7 months and 22 days. Challan already stands presented. Investigation stands concluded and even out of 21 cited witnesses 4 have been examined. The petitioner has no criminal antecedents.
7. I have heard counsel for the parties and have gone through records of the case.
8. Without commenting on the merits of the case, keeping in view the incarceration already suffered by the petitioner and the fact that the investigation already stands concluded and Challan stands presented, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.
9. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

December 21, 2023
Dpr

(Pankaj Jain)
Judge

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No