

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

229

CRM-M-733-2024 (O&M)
Date of Decision.:28.02.2024

Rafik
Vs.
State of Haryana

.....Petitioner

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Nafeesh Ahmed, Advocate
for the petitioner.

Mr. Randhir Singh, Addl. AG, Haryana.

DEEPAK GUPTA, J. (ORAL)

The petitioner is seeking regular bail by way of petition filed under Section 439 Cr.P.C in case FIR No.266 dated 04.08.2023 registered under Sections 148, 149, 395, 427, 435, 412, 455, 120-B of the IPC, 1860 registered at Police Station City Nuh, District Nuh.

2. As per prosecution allegations, on 31.07.2023 a communal violence erupted in District Nuh. At about 04:30 p.m. complainant, the owner of a showroom of Hero motorcycle, an authorized dealer of Hero Motorcycle, running in the name of “Sunil Motors” at Delhi - Alwar Road, Nuh received information that mob had broken the lock of the gate of his godown and motorcycles have been looted by the unknown persons from the godown. On verification of the stock, complainant found that 128 motorcycles were looted from his godown. 23 motorcycles were found in nearby fields and road but in badly damaged condition.

3. The attribution to the petitioner is that one of the looted motorcycle was recovered from him and in his disclosure statement he

CRM-M-733-2024 (O&M)

claimed that he had purchased it from one Pandit for an amount of ₹15,000/- along with Hasan Mohammad.

4. Learned counsel for the petitioner contends that petitioner has been falsely implicated; that co-accused Hasan Mohammad who is similarly placed to the petitioner has already been allowed benefit of regular bail by the Court of learned Additional Sessions Judge, Nuh vide order dated 02.12.2023 (Annexure P-7).

5. Status report by way of an affidavit of Shri Mukesh Kumar, HPS, Deputy Superintendent of Police, Tauru, District Nuh along with custody certificate has been filed on behalf of respondent- State.

6. Learned State counsel could not refute the aforesaid contentions to the effect that the role attributed to the petitioner is to have purchased one of the looted motorcycle. As per the custody certificate, petitioner is in custody for the last 04 months and 18 days with no criminal antecedents. Similarly placed co-accused has already been allowed regular bail.

7. Having regard to the above facts and circumstances particularly on the basis of parity, but without commenting anything further on the merits of the case, this petition is allowed and petitioner is admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

(DEEPAK GUPTA)
JUDGE

February 28, 2024

Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No