

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

**CRM-M No.7767 of 2024  
Date of decision : 20.02.2024**

Sanjay @ Bholu

..... Petitioner

versus

State of Haryana

..... Respondent

**CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN**

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Present :- Mr. Arnav Ghai, Advocate  
for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG Haryana.

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**PANKAJ JAIN, J. (ORAL)**

1 This petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case F.I.R. No.36 dated 10.03.2021 registered under Section 34, 379-B of IPC and Section 25 of the Arms Act (added lateron) at Police Station Macchroli, District Jhajjar.

2. The FIR came into being on the information supplied by one Bhanu Ram alleging as under:-

*“To, The Station House office, Police Station Machhroli (Kulana). Subject: Regarding snatching of car. Sir, it is requested that I, Bhanu Ram son of Ram Sarup am the permanent resident of Dabodha Khurd, presently Arya Nagar, Jhajjar, Ward No.19. Today, on 10.03.2021, I was going to village Patodha for some work. At about 11.00 AM, on Jhajjar-Rewari highway, near the bus stand of village Amadalpur, I came down from my car Alto No.HR-13-M-4327 for urinating. When I reached near the car, then three masked persons came on a bike and snatched the keys of the car and took fled towards Rewari. You away the car and are requested to take necessary action. While leaving, they have*

*also taken out the sim No.9992226344 and took with 10.03.2021. Ram son Yours of Ram faithfully. Saroop, of my phone them. Dated: Sd/- Arya Bhanu Nagar, Jhajjar. Sumit Malik, mobile No.8059478881. Action by police: Today I ASI was present in the attending accused Court premises, Jhajjar the Ashok bail application Kumar in FIR of No.34 for the dated 08.03.2020 under Section 307 IPC, 30 Arms Act, Police Then a telephone station was near Amadalpur had from of of station MHC of Machhroli. the Police received by me that on NH-71 Chowk, three youths, come on bike, have snatched a person person. and Reach took at away the a the site who car car for that taking action. Upon this information, I, ASI, from the court premises reached at the site of occurrence at NH-71, near Amadalpur Chowk. There upon calling by mu, Constable Karamjit 1214 Machhroli incident met From a case made to out. the me the came and and present the at the complainant submitted contents under of his the Section 379-A, Thus, Police Rider 6 site Bhanu of Ram application. application, 34 the application station Karamjit No.1214/JJR of the The the case. FIR, special officers. I, investigation near After its for the number report ASI the be am through the IPC 15 15 sent Constable registration registration be sent busy of intimated. to in Place: site. Sd/- the the NH-71, Ashok Kumar, at Amadalpur Chowk, ASI, PS M/CHH dated 10.03.2021 at 5.00 PM. Upon the receipt of the application at the Police station, the above FIR under the and above sections has been registered its prepared. has computerized copies have The special report of the been sent concerned for police to officers information. file the been case Duty Magistrate, through copy E-mail the The alongwith of original application Officer been was sent through registered Sudhir 637.”*

of FIR No.69 dated 10.03.2021. The supplementary statement was recorded wherein it was alleged that the culprits were carrying firearms. In the present case, the petitioner was earlier nominated on the disclosure made by co-accused Ravi. Learned counsel for the petitioner submits that apart from the said disclosure made by co-accused Ravi, there is no incriminating evidence against the petitioner and from him no recovery has been made. The petitioner is behind bars for 2 years. Not only the challan stands presented rather the trial has proceeded considerably. 4 out of 24 witnesses already examined. The aforesaid facts are not disputed by the counsel representing the State. He is not in position to dispute that there is no recovery effected from the petitioner in the present case. Apart from the disclosure made by co-accused Ravi and the alleged confession made by the petitioner while in custody, there is no incriminating evidence against the petitioner.

4           Without commenting on the merits of the case and keeping in view the period of incarceration suffered by the petitioner and the nature of evidence against 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.

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

( PANKAJ JAIN )  
JUDGE

20.02.2024  
*spn*

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|---------------------------|-----|
| Whether speaking/reasoned | Yes |
| Whether Reportable :      | No  |