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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-9570-2024
Date of decision : 23.04.2024

Ravi Petitioner

versus

State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. V.B. Godara, 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.82 dated 08.05.2023, registered for the offences punishable under Sections 379-B, 201 and 34 of IPC at Police Station Machhroli, District Jhajjar.
2. As per the contents thereof, it was alleged as under:-

“To, The SHO. Police Station Machhroli. Sir, it is requested that I Ajah S/o Soneram Joshi resident of Duch Mod, Islampur Murena, Police Station Kotwali, District Murena (MP) at present House No.1238, Sec.45, Gurugram. I works as driver with Avnish S/o Shanti Swarup resident of Sendalpur, District Faridabad (UP) at present Kanhai, Sec. 45 Near Shiv Mandir, Gurugram. Avnish has attached his vehicle with OLA Company. I use to drive the Vehicle No.HR55AJ8648 Swift Dzire. On 7-5-23, at around 09.00 PM, booking of the vehicle came for Village

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Siwangi, Gurugram, had to left from MBS Mall Gurugram to Siwanri with three passengers by taking in car. When we reached Siwari Village, they said that we have some work to do a little further, then we will go back to Gurugram with you. When we reached from Ghatoli village on the way to Bhatenga Village of Jhajjar District, the boy sitting in front of the car asked to stop the car. As soon as I stopped the car, both the boys sitting at the back got down from the car and pushed me, made me fall down from the car and forcefully snatched my phone and ran away with the car. My phone is of Redmi, in which SIM was Airtel and SIM number was 7210821866. Legal action should be taken against the above mentioned three young boys, whose names are not known.”

3. Custody certificate has been produced. As per the same, the petitioner has undergone actual custody of more than 11 months and 13 days by now and has clean antecedents. It is admitted case that the police report stands filed.

4. Counsel for the petitioner submits that so far as the proceeds of crime are concerned i.e. the car was recovered from co-accused on whose disclosure made while in police custody, the present petitioner has been nominated. Apart from the disclosure made by co-accused that too while in police custody, there is no incriminating evidence against the petitioner in form of any recovery etc.

5. *Per contra*, State counsel would submit that the accomplicity of the petitioner is evident from the fact that the cab was booked from the mobile belonging to the present petitioner. On being asked specific query whether any identification parade was carried out

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to get the petitioner identified, he has very fairly submitted that no such effort was made by the prosecution.

6. Without further commenting on the merits of the case, keeping in view the allegations levelled, the incarceration suffered and the nature of evidence against the petitioner, 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

23.04.2024

Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No