

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

228

CRM-M-11175-2024  
Date of decision : 07.03.2024

Mobin @ Mubin ..... Petitioner

versus

State of Haryana ..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Vikrant Koundal, Advocate and  
Mr. Mazlish Khan, Advocate  
for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

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PANKAJ JAIN, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case F.I.R. No.510 dated 27.08.2022 registered for the offences punishable under Sections 420/465/468/471 IPC at Police Station Industrial Sector 29, Panipat, District Panipat.
2. As per the contents of the FIR, it was alleged as under:-

“Copy of Complaint, in service of SHO Saheb Sector 29 Police Station Panipat Sir, it is a request that I am Satyavan son of Mr. Omprakash, resident of village Saundapur, District Panipat and I am working as a manager in Kadian Automobile in village Stwah, Panipat about 1 month ago, Aadhaar Card No. 53012196441 in the name of Uvesh son of Yusuf, R/o Village Pathargarh District Panipat was given in Agency and by paying D.P Rs 12000/- a motorcycle with the Chasis no. MBLHAW110NHFB7106, Eng. No. HA11EVNHF79032 which was purchased and Agency applied for R.C of the motorcycle in Samalkha SDM Office, where the SDM office, people told that there is wrong address mentioned on the Aadhar card, which the correct address is Uvesh son of Yusuf R/o Mahmudpur Rai

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police station Kairana district Shamli UP, found what we were searching for, today on 27.08.2022, the same boy Uvesh son Yusuf came to the AGANCY with two boys, one boy was standing outside and another boy came inside with Uvesh and they gave same Aadhaar card in Agency to purchase another motorcycle, after recognizing them, we made both the boys sit, who revealed their name as Uvesh son of Yusuf and the another one revealed his name as Arshad son of Amil R/o village Davedi Khurd police station Kairana UP, another boy who stood outside ran away at the same time and both boys who were caught in the agency also cheated us and ran away, namely Yusuf and Arshad, who fraudulently took away a motorcycle which they had bought earlier and again went to the agency with the intention of cheating by editing their Aadhar card, which already had a wrong address. Legal action should be taken against them.”

3. Counsel for the petitioner contends that the petitioner was not named in the FIR, but was nominated on the basis of disclosure made by Uvesh while in police custody alongwith one Kurban @ Patwari. Uvesh stands admitted to bail vide order dated 12.04.2023 passed in CRM-M-16013-2023 and relying upon the bail order of Uvesh, Kurban @ Patwari also stands released on bail vide order dated 08.01.2024 passed in CRM-M-55381-2023 observing as under:-

“xx xx xx

3 Learned counsel for the petitioner submits that the petitioner was not named in the FIR but was named by co-accused Uvesh in his disclosure statement while in police custody. He further relies upon order dated 12.04.2023 passed in **CRM-M No.16013 of 2023**, whereby co-accused Uvesh has been granted regular bail observing as under :-

*“Having heard learned counsel for the parties and gone through the case file and custody certificate filed by learned State counsel, it is significant to note that the petitioner is in custody for a period of 07*

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*months and 11 days. Investigation of the case has been completed and challan stands presented. Further, conclusion of the trial will take considerable time. Therefore, no useful purpose would be served by keeping the petitioner in further incarceration.*

*As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to her furnishing requisite bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.*

*The petition is allowed.”*

4 Learned State counsel is not in a position to dispute the aforementioned factual assertions based on record.

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

6 Without commenting on the merits of the case by granting parity with co-accused 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.

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

4. Counsel for the State does not dispute the aforesaid factual assertions based on record, but opposes the bail plea by referring antecedents of the petitioner.

5. Without commenting on the merits, keeping in view the incarceration suffered by the petitioner and the fact that Uvesh and

Kurban @ Patwari stands released on bail, the present petition is

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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.

6. 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

07.03.2024  
Dinesh

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