



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-29567-2024
Date of Decision: 15.07.2024

Tinku Sharma ...Petitioner
Vs.
State of Haryana ...Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Rishav Jain, Advocate, for the petitioner.
Ms. Sheenu Sura, DAG, Haryana.

N.S.SHEKHAWAT, J. (Oral)

1. A status report by way of an affidavit of the Deputy Superintendent of Police, Head Quarter, District Rewari has been filed on behalf of the respondent-State and the same is taken on record.
2. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail in case FIR No.154 dated 04.05.2023 registered under Sections 420, 464, 465, 466, 467, 468, 471 and 34 of IPC, at Police Station Dharuhera, District Rewari.
3. The FIR in the present case was registered on the basis of the statement made by the Jafroo son of Basir and the same has been reproduced as under:-

*“I, Jafroo son of Basir Resident of Malhaka,
Tehsil: Tawroo, Distt. Nuh, state as under:*



1. That I am the permanent resident of abovesaid address.

2. That I am driver of the Diesel-Tanker of Deepa Filling Station, Tawroo, whose Registration No. is HR-38-T 5767 and on 19.04.2023, I had paid cut the Tax of Rajasthan, which is near the Bharat Petro Pump on Jaipur-Highway, Nikhri Shanidev Mandir. When my vehicle was checked by the RTO Bhiwadi on 30.04.2023, then at that time I came to know that the Tax of my vehicle is fake. I gave written application in the Police Station, Dharuheda, and got registered an FIR No.154 dated 04.05.2023 u/ss 420/464/465/ 466/467/468/471 and 34 IPC. The accused-Lokender son of Khem Chand, R/O Post Office, Rojka Mev, Tehsil & Distt. Nuh and Kuldeep Tiwari son & Kamlesh Tiwari, is Resident of Plot No. 333, Patel Nagar, Near: Godara Ralway Phatak, Godara, Surat City [Gujarat). The persons whom the Police had arrested, they told me that your payment could not be done due to network, and print was given to you. That the payment of tax which were given to them, the same have been received by me. Now, I have no complaint against them. In case in future, the true accused come before me, then I can recognize/identity. Executant: Sd/ - Jafroo”

4. Learned counsel for the petitioner contends that the petitioner is neither named in the FIR nor there is any other averment in the FIR, which even remotely connects the petitioner with the alleged crime. He further contends that the petitioner was nominated as an accused in the present case on the basis of the disclosure statement suffered by his co-accused in police custody and was wrongly arrested on 25.04.2024. He further contends that in the present case, the main accused persons namely Lokender son of Khem Chand, Kuldeep Tiwari son & Kamlesh Tiwari have already

been granted the concession of regular bail by the Additional Sessions Judge. Learned counsel further contends that after completion of the investigation, challan has already been presented before the trial Court and all the offences in the present case are triable by the Court of Magistrate.

5. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that there are serious allegations against the petitioner and the petitioner is not entitled for the concession of regular bail.

6. I have heard learned counsel for the parties and perused the record.

7. In the present case, the petitioner is in custody since 25.04.2024 and after completion of investigation, challan has already been presented before the Court. Moreover, co-accused persons namely Lokender son of Khem Chand, Kuldeep Tiwari son & Kamlesh Tiwari were ordered to be released on bail.

8. Thus, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

15.07.2024

(N.S.SHEKHAWAT)

M.Sikka

JUDGE

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