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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-36073-2024

Date of decision : 28.08.2024

SHARUKH KHAN

....Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Munfaid Khan, Advocate
for the petitioner.

Mr. Apurv Garg, Sr. DAG, Haryana assisted by
SI Abhay Pal, CIA, Dharuhera, Rewari.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.411 dated 03.12.2022 registered for the offences punishable under Sections 365, 395, 397, 201, 412, 420, 120-B of the Indian Penal Code, 1860 and Sections 25-54-59 of Arms Act, 1959 at Police Station Kasola, District Rewari.

2. As per the allegations levelled in the FIR registered on the statement of Arvind Singh son of Nathuram Singh, it was alleged as under :

“Sir, it is prayed that I, Arvind Singh son of Nathuram Singh is a resident of village Basatpur Police Station Gori Bajar District Deoria, UP and at presently is residing at Patodi Road Rewari and is driving of Highway belonging SIPS company and the plot of this company is situated near Bambad Fatehpuri. Today i.e. .3.12.2022, I was taking the Highway bearing registration no. HR55 AL0578



Marka Tata 10 tyres loaded with Dambar (Dust) to Pataudi. When at about 1:30 AM, I was reached near intersection around 3 KM away from Bambad Fatehpuri, suddenly one vehicle of white color (I could not see its number and Marka) came in front of my Highway and blocked my way. From the said vehicle, four persons alighted who were carry the country made pistol and one Danda in their hand. I was compelled to alight from my highway and after covering my eyes with cloths, I was put into their car. Out of them, one person boarded and started my vehicle and I was taken into their car and after at about one hour travelling, I was dropped at Ramgarh Road. My Highway and mobile phone of MI company containing Sim number 9793028282 were snatched. The legal action against unknown person may kindly be taken. The information with regard of this incident was given to company supervisor after stopping second vehicle of company.”

3. The role of the petitioner has been further specified in the reply filed by way of an affidavit of Surender Sheoran, HPS, DSP, Bawal, Rewari, today in Court, which is taken on record. As per the same, role of the petitioner reads as under :

“18. That as per the investigation, the petitioner had played an active role in the commission of the crime. His complicity is writ large in the present crime. The petitioner had acted in pursuance of the criminal conspiracy and thereupon, the petitioner alongwith accused had committed a dacoity by steeling the Hyva truck and had later sold it. It has also transpired that the accused persons had also used a forged registration plate on their car. Further the petitioner had been rightly identified by the victim during the course of TIP.”

4. Custody certificate of the petitioner has been produced. The same is taken on record. As per custody certificate, the petitioner by now



has undergone actual custody of more than 1 year, 7 months and 27 days. Not only the investigation stands concluded rather the material witness i.e. the complainant also stands examined.

5. State Counsel is not in position to dispute the factual assertions made by counsel for the petitioner based on record.

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

7. Without commenting on the merits of the case, keeping in view the incarceration already suffered by the petitioner and the fact that the investigation already stands concluded, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

8. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

August 28, 2024
Dpr

(Pankaj Jain)
Judge

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