

S. No.240

2024:PHHC:003660

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

CRM-M-54055 of 2023

Date of Decision:11.01.2024

Kulwant Singh @ Kulwant Ram

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Jagpal Singh, Advocate for the petitioner.

Mr. Sumit Jain, Addl. AG, Haryana.

DEEPAK GUPTA, J. (Oral)

By way of present petition filed under Section 439 Cr.P.C., petitioner has prayed for grant of regular bail in case FIR No.232 dated 24.08.2023 registered under Section 346 IPC which was deleted and Sections 120-B, 407, 420 and 201 IPC read with Section 34 IPC were added later on at Police Station Sadar Ratia, District Fatehabad.

Status report by way of an affidavit of Shri Virender Singh, HPS, Deputy Superintendent of Police, Ratia, District Fatehabad (Haryana) has been filed on behalf of the respondent- State along with the custody certificate.

As per prosecution allegations, co-accused Harpal took Tata LPT-3118 of the complainant for loading the vehicle from Uklana to Bhilwara. As per the GPS location, the vehicle was located on 17.08.2023 on Barwala Highway. Last location was noted on 18.08.2023 at Bhuna Hotel but later on location was missing. It was alleged that vehicle could not be found. FIR was lodged. On 26.08.2023, Harpal Singh co-accused along with Sonu, the missing persons were traced. They admitted their involvement in the crime along with the co-accused Kulwant Singh (petitioner). They also disclosed that they had sold the entire scrap

loaded in the truck and had removed the GPS system. At the instance of Harpal Singh and Sonu, the truck was recovered.

It is contended by learned counsel for the petitioner that the petitioner has been falsely implicated simply on the basis of disclosure statement of co-accused and that no recovery has been effected from him.

Strongly opposing the bail petition, learned State Counsel submits that an amount of ₹2,20,000/- was recovered from the possession of the petitioner, the payment of sale price of sold iron scap.

As per the custody certificate, petitioner is in custody for the last 04 months and 13 days. He is not involved in any other case. The case against the petitioner is based upon the disclosure statement of co-accused. Prosecution is liable to connect ₹2,20,000/- recovered from the petitioner with the crime.

Having regard to the afore-said facts and circumstances of the case, but without commenting anything on the merits of the case, the present petition is allowed. Petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate concerned, on usual terms and conditions.

January 11, 2024

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Whether Speaking/reasoned

Whether Reportable

(DEEPAK GUPTA)

JUDGE

Yes/No

Yes/No