

229 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.55381 of 2023 (O&M)
Date of decision : 08.01.2024

Kurban @ Patwari

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Rahul Jaswal, Advocate
for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana

PANKAJ JAIN, J. (ORAL)

1 This 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 under Sections 420/465/468/471 IPC at Police Station Industrial Sector 29, Panipat, District Panipat.

2 As per the FIR, it has been alleged as under :-

“To the SHO Sir, Sector 29 PS Panipat, it is submitted that I, Satyawar son of Shri Om Parkash am resident of village Saundapur District Panipat. I am working as Manager at Kadiyan Automobiles village Siwah Panipat. Prior one month Uvesh son of Yusuf village Pathargarh District Panipat submitted his Aadhar Card bearing No. 53012196441 in the Agency. He purchased a motor cycle bearing chasis No. MBLHAW110NHFB7106, ENG NO HA11EVNHF79032 on payment of RS. 12000/- and went away. Agency applied for RC of motor cycle at Samalkha SDM office where employee of SDM office stated that wrong address has been mentioned in Aadhar Card. Correct address found as Uvesh son of Yusuf resident of Mahmoodpur Rai PS Kairana District Shamli UP. We were searching him. Today on 27.08.2022 same boy namely Uvesh son of Yusuf came in the agency

alongwith two boys. One boy remained stood outside the agency. One boy came alongwith Uvesh in the agency. The same Aadhar Card submitted to agency for obtaining second motor cycle. He was identified and both of them made to sit there. They told their name Uvesh son of Yusuf as above mentioned and another person told his name as Arshad son of Amil village Davedi Khurd PS Kairana UP. The person who stood outside ran away at random. Both boys also fled away from agency by deceiving us. The above said Yusuf and Arsad who had taken a motor cycle on purchasing by fraudulent, they again came in the agency with the intention of fraudulent on the basis of Aadhar Card in which wrong address had already been edited. Legal action may be taken against them.”

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 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.

08.01.2024
Pooja sharma-I

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable :	No