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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.64555 of 2023 (O&M)

Date of decision : 24.01.2024

Tushar @ Ankit

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Vishal Nehra, 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.179 dated 06.05.2023 registered under Sections 379-B/392/397/307/411/120-B/201/34 IPC at Police Station Sadar, Sonapat.

2 FIR was registered on the information received from one Jagdish s/o Rajbir who stated as under :-

"To, SHO Sahib, Police Station Sadar Sonapat. Sir, it is requested that I am Jagdish S/o Rajbir R/o Harsana Kalan and is running a mobile shop at Kalupur Chungi. I used to go my home in the evening after closing the shop and used to carry my shop articles comprising mobile and accessory on my motorcycle by putting in my bag and used to set up the articles in the morning after coming to the shop. On 5-5-2023, after closing my shop at about 8:30 PM and after keeping my articles and cash bag was going to my house on my motorcycle. On the way at Harsana turn, Sunil son of my Tau has set up a shop of clay utensils. I stopped there for some time and then left for my house. At about 9:20 PM, when I reached near Pacific School on Harsana turn, then a boy from front side signaled me to stop.

Upon which, I stopped my bike. The moment, when I stopped, the said unknown boy gave multiple blows upon my head with an axe carried by him in his hand due to which, I suffered various injuries on my head. Then the said unknown boy fled away from the spot after snatching my bag. My bag was containing approximately Rs.60000/- cash and mobile and accessories worth approximately Rs.3 Lakhs. Take legal action against the said unknown boy and my articles be got recovered.”

3 Thereafter on expiry of almost two months on 04.07.2023 the complainant suffered a supplementary statement wherein he named the present petitioner claiming as under :-

“It is stated that I am resident of above mentioned address. I am running a mobile shop at KalupurChungi. On 05-05-2023, when at 08:20 PM, I was going towards my house from my shop KalupurChungias daily routine after putting the mobiles worth about Rs.3 Lakhs and about Rs.55,000/60,000/- in my bag, then due to pinching with the wallet kept in my back pocket, I also kept my wallet in the bag, which was comprising my Aadhar Card, HDFC Bank ATM, a Kotak Bank ATM, Driving License and other documents. When I reached at Harsana turn, then suddenly a young boy gave multiple blows in my head with axe and snatched my bag containing mobile and cash. Regarding which, I got lodged FIR in the Police Station Sonipat. At that time, due to suffering of injury, I could not disclose the entire history to the police. The day on which the said incident taken place with me, on that day, there were two boys involved in attributing injury. Due to suffering of injury, when I fell down from the motorcycle, at the same time, a boy had also come on the spot, who also gave me kick and fist blows after I fell down and both the boys took off bag from my neck. Later, I remember that on that day, there were two boys namely Ankush S/o Kuldeep R/o Village Rohna and Tushar alias Ankit S/o Kaptan R/o Village Pipli, whose names have been traced by me at my own level. They were seen meeting Ombir alias Biru R/o Tihar Kalan, who works in the shop of Manjeet at a distance of three shops from my shop, who had also chased me. I have full suspicion that Ankush, Tushar and Ombir alias Biru R/o Tihar Kalan have executed the offence in connivance with each other because 3 years ago, I had expelled Ombir from my

shop. You please enquire them strictly and the truth will come forward. Statement got recorded to you, heard, which is correct.”

4 Learned counsel for the petitioner submits that the challan already stands presented. The petitioner is behind bars since 08.07.2023 and has clean antecedents.

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

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

7 Without commenting on the merits of the case 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.

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

(PANKAJ JAIN)
JUDGE

24.01.2024
Pooja sharma-I

Whether speaking/reasoned	Yes
Whether Reportable :	No