



CRM-M-34457-2024 (O&M)

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In the High Court of Punjab and Haryana at Chandigarh

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CRM-M-34457-2024 (O&M)

Date of Decision: 11.02.2025

AZRUDDIN

.....PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr.Saksham Khunger, Advocate for the petitioner.

Mr. S.S.Mann, Addl. AG, Haryana.

PANKAJ JAIN, J (ORAL)

1. Present petition has been filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.192 dated 01.05.2023, registered for the offences punishable under Sections 407 and 34 IPC at Police Station Sadar Tauru, District Nuh.

2. As per contents of the FIR, it was alleged as under:-

“To, The Incharge, Police Post Mohamadpur Ahir, P.S Tauru. Sir, Rahul @ Pabbi son of Kuldeep Singh, r/o House No. 215, Sector 14 Faridabad and running a transport company. My office is at Bilaspur. My vehicle No. RJ09GD1901 whose driver is Azruddin son of Mehmood r/o Vill. Chandnaka P.S Punhana, Distt. Nuh. on 18.04.2013, time about 9 A.M vehicle was loaded from Mumbai Flipkart Company INSTAKART SERVICES PVT. LTD., which contained Goods were items electronic to be brought and in clothes. Bilaspur Flipkart Company. That in the morning on



dated 19.04.2023 my driver Azruddin took my vehicle at relative's Aarif Kanni r/o the residence son of his of Ummar Mohd alias Village Beri, P.S Sadar Tauru, Distt. Nuh at his house in the village Berri, P.S Sadar, who is brother in-law of my driver Arif's in relation. That my driver Azruddin and his brother-in-law Arif together stole about 140 mobile phones from my above mentioned vehicle from Village Berri. Stolen mobiles are annexed with. Saddam SON OF Mehmood Khan r/o Khanpur, Tehsil Kisangarh, Distt. Alwar Raj. And Mahesh son of Ramnarayan r/o Vill. Sanpli, Distt. Rewari, terminated staff member from my company Fast Track Logistics, are also involved in this conspiracy. Please Strict legal action should be taken against above said accused and get my Goods back. Sd/-Applicant Rahul Pabby son of Kuldeep Singh, r/o House No. 215, Sector 14, Faridabad, Mob. 9711249444. Police proceedings XXXXXX”

3. Counsel for the petitioner submits that the petitioner is behind bar for more than 09 months and 17 days. Investigation is complete and challan already stands presented. He further submits that it is a magisterial trial. Therefore, the petitioner is entitled for regular bail. He further submits that co-accused stands already admitted to pre-arrest bail.
4. Learned State counsel has opposed the bail petition and submits that the petitioner being driver was in custody of the mobile phones and thus is the main accused. His case is different from the one against the co-accused.
5. I have heard learned counsel for the parties and carefully gone through the case file.
6. Without commenting on the merits of the case, keeping in view the incarceration suffered by the petitioner and it being the admitted fact that the



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investigation stands concluded and challan stands filed, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

7. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

11.02.2025

A.Kaundal

Whether speaking/ reasoned :

Yes/No

Whether Reportable :**Yes/No**