

**CRM-M-17179-2025****1****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****135****CRM-M-17179-2025****Decided on :19.03.2026**

Momin alias Kala

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Ashish Grewal, Advocate for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

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SANJAY VASHISTH, J. (Oral)

1. Present petition has been filed under Section 483 of BNSS, seeking regular bail in case FIR No.294 dated 01.07.2024, under Section 379-A, 201, 34 IPC, registered at Police Station Sadar Yamuna Nagar.

2. As per the case of the prosecution, an FIR was registered on 01.07.2024 alleging that two unknown persons had snatched a mobile phone (Oppo A17) bearing Airtel SIM No. 7404389804, along with ₹10,000/- in cash. During the course of investigation, co-accused Sanjay Kumar was arrested, and from his possession, mobile phone along with ₹10,000/- was recovered.

3. Learned counsel for the petitioner contends that petitioner's alleged involvement is based solely upon the disclosure statement of the main accused-Sanjay Kumar, who has already been granted the concession of bail by this Court vide order dated 17.02.2025 (P-3) passed in CRM-M-2814-2025. Counsel further submits that, till date, complainant-Hujir Ali, has not been examined by the prosecution.

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4. While being confronted with the registration of 23 other criminal cases, learned counsel submits that most of the cases have been falsely foisted upon the petitioner. Counsel contends that in about 07 cases, petitioner already stands acquitted by the Court concerned, and in a few other cases, he has been released after undergoing the sentence awarded.

5. Learned counsel for the petitioner further argues that except of the disclosure statement of co-accused, which, as per settled law, is inadmissible and non-substantive evidence, no other material or evidence has been collected by the investigating agency to establish the petitioner's connection with the alleged crime.

6. Learned counsel also produces a copy of the order dated 09.03.2026 and submits that complainant-Hujir Ali, failed to appear before the Court for deposition despite the issuance of arrest warrants. Copy of the order dated 09.03.2026 passed by the learned ASJ/ADJ/MAT, Jagadhri, is taken on record.

In view of the above, learned counsel prays for the grant of regular bail to the petitioner.

7. Learned State counsel submits that members of the police team have gone to West Bengal to secure the presence of the witness for his production on the next date, i.e., 24.03.2026

8. I have heard learned counsel for the parties and perused the paper-book along with the documents appended thereto.

9. Considering the aspect that main accused–Sanjay Kumar has already been released on bail and the petitioner is in custody since

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15.12.2024, coupled with the fact that his alleged involvement is based solely on the disclosure statement of the co-accused and no recovery has been effected from him, this Court is of the considered opinion that the petitioner deserves the concession of regular bail.

Accordingly, present petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

10. Any of the discussion done and recorded hereabove, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible in accordance with law.

11. However, it is made clear that until the conclusion of the trial, petitioner shall report to the SHO of the concerned Police Station every weekend, i.e., on Saturday or Sunday.

12. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

19.03.2026***Rashmi***

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No