

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

CRM No.M-32394 of 2015
Date of Decision: October 19, 2015

Naresh Kumar

...Petitioner

Versus

State of UT, Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Ranjit S. Dhiman, Advocate,
for the petitioner.

Mr. G.S. Chahal, Addl. P.P., U.T., Chandigarh.

1. *Whether Reporters of the local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the Judgment should be reported in the Digest?*

NARESH KUMAR SANGHI, J. (ORAL)

Prayer in this petition, filed under Section 439, Cr.P.C., is for grant of bail to the petitioner-Naresh Kumar, who has been booked for having committed the offence punishable under Section 407 of Indian Penal Code, in a case arising out of FIR No.369 dated 18.11.2013, registered at Police Station, Sector 26, Chandigarh.

Learned counsel contends that on 21.09.2013, the petitioner had sold the truck bearing registration No.HR46E-3685 to his co-accused Dharam Singh vide general power of attorney and agreement to sell and the possession was also handed over to him (Dharam Singh) on the same day. He further submits that except the fact that the petitioner was the registered owner of the truck, no other material has emerged on record to connect him with the offence punishable under Section 407, IPC. He further points out that Dharam Singh and Satish Kumar, co-accused of the petitioner, have already been granted bail. He further submits that the petitioner is behind the bars from 28.07.2015 and after completion of the investigation, the charge-sheet (challan) has also been presented before the Court below and as such, further presence of the petitioner by the investigating agency for interrogation would not be required. He further points out that the Section 407, IPC, is triable by Magistrate.

Learned counsel for the State, after taking instructions from Sub Inspector-Malook Singh of Police Station, Sector 26, Chandigarh, has not controverted the factual aspect narrated by the learned counsel for the petitioner, except the fact that the petitioner is the registered owner of the truck bearing registration No.HR46E-3685 and there is no other evidence to connect him with the offence alleged to have been committed by him.

After hearing the learned counsel for the parties and going through the material available on record, the present petition is accepted and the petitioner-Naresh Kumar son of Hari Singh, resident of Village Sudana, Rohtak, Haryana, is directed to be released on bail during the pendency of the trial in the present case, subject to furnishing his bail bond in the sum of Rs.1,00,000/- (Rupees one lac only) with one surety in the like amount to the satisfaction of the learned trial Court.

(NARESH KUMAR SANGHI)
JUDGE

19.10.2015
Bhumika