

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No. 40121 of 2019
Date of Decision:-24.09.2019

Abhishek

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Shivansh Malik, Advocate
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ J.(Oral)

Petitioner has filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No. 120 dated 18.4.2019, under Sections 379, 420 and 483 IPC, registered at Police Station Arya Nagar, Rohtak, District Rohtak. Petitioner is in custody since his arrest on 07.8.2019.

The FIR was registered on the basis of statement of Gulshan s/o Hansraj, the same reads as under :-

“To the SHO, PS Arya Nagar Rohtak, Sir it is submitted that I, Gulshan s/o Hansraj r/o 806/1 Ward No.27, Gandhi Nagar Rohtak. I borrowed the motor-cycle made of Hero Honda Splendor bearing No.HR-15A-9387 from Baldev Singh s/o Bhagwan Singh r/o Lakhan Majra on dated 15.4.2019, the chasis number of which is MBLHA10EYAHM11976 and the engine number of which is HA10EFAHM67488, its colour is black and it is a model of

year 2010. At around 12:30 PM, I parked it in the main post-office and went inside to do some personal work and when I returned back after approximately 1 hour and I didn't find the motorcycle where I had parked it. Some unknown person has stolen the motorcycle. Legal action may kindly be initiated against him. Till now I searched it at my own level."

Learned counsel for the petitioner contends that earlier the untrace report was filed by the police on 19.5.2019, however, the accused-petitioner was arrested on 07.8.2019 on the allegations that he was standing with the stolen motor-cycle. According to him the investigation is complete and the challan stands filed.

On the other hand, learned State counsel, who is assisted by ASI Jaspal, has opposed the bail application. However, this fact is not disputed by learned State counsel that the petitioner is in judicial custody and the investigation of the case is complete.

Considering the above and the fact that the trial is likely to consume some time, further detention of the petitioner may not be justified, therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing the requisite bail bonds and surety bonds to the satisfaction of the trial Court, Rohtak.

The petition is allowed.

September 24, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No