

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

Decided on: 13.11.2019

1. CRM-M No.42977 of 2019

Rohit @ Bhola

....Petitioner

Versus

State of Haryana

....Respondent

2. CRM-M No.34042 of 2019

Monu

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. S.S. Swaich, Advocate
for the petitioner (in CRM-M-42977-2019)

Mr. Puneet Kakkar, Advocate
for the petitioner (in CRM-M-34042-2019)

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in these petitions is for grant of regular bail to the petitioners namely Rohit @ Bhola and Monu under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.558 dated 30.05.2019, for offence punishable under Sections 379, 411, 420, 467, 468, 471, 483 and 120-B of the Indian Penal Code (in short 'IPC') (Section 420 IPC added later) registered at Police Station Chandni Bagh, District Panipat.

Brief facts of the case are that on 30.05.2019, a secret information was received by ASI Inder Singh that Sonu Surender @

Saguja and Rohit @ Bhola along with other friends have made a gang and they used to purchase the total loss vehicles with correct number and sell the same to the scrap dealer and further stole another car of the same look and company and get the chasis number and engine number engraved of the total loss vehicle on the stolen car and also affix the number plate of the stolen car and sell the same. Rohit @ Bhola and Monu are wandering to sell a stolen Swift Dzire car of white colour without number plate and going to U.P. side and accordingly, a barricade was laid and they were apprehended along with the said vehicle.

Counsel for the petitioner(s) has submitted that both the petitioners are not involved in any other case and they have been implicated in the present FIR because of the fact that the petitioner – Rohit @ Bhola is the real brother of co-accused Sonu, who is involved in some other cases and similarly, the petitioner – Monu is the brother-in-law of the aforesaid co-accused Sonu.

Counsel for the petitioner(s) has further submitted that there are no direct allegations against the petitioners and in fact, the allegations in the FIR are primarily against the co-accused Sonu, who is yet to be arrested. It is further submitted that the petitioners are in custody since 30.05.2019; the investigation is complete; challan stands presented and being the offences are triable by the Court of Magistrate, it will take some time in conclusion of the trial.

Counsel for the State, on instructions from ASI Naveen Kumar, has not disputed the factual position but opposed the prayer for bail. It is further submitted that since the co-accused – Sonu is involved

in some other FIRs in New Delhi and is yet to be arrested, the petitioners be not granted the concession of regular bail.

Without commenting anything on merits of the case, considering the fact that the petitioners are the first offenders and are not involved in any other case; the investigation is complete; challan stands presented and also in view of the fact that the conclusion of the trial is likely to take some time as the offences are triable by the Court of Magistrate, the present petitions are allowed and the petitioners namely Rohit @ Bhola and Monu are directed to be released on regular bail subject to furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail, if the petitioners are found involved misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

13.11.2019
yakub

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No