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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-25517-2020

Date of decision: 04.09.2020

Arun

.....Petitioner

V/s.

State of Haryana

.....Respondent

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. Baljeet Beniwal, Advocate, for the petitioner.

Ms. Mahima Yashpal, Deputy Advocate General, Haryana.

Sanjay Kumar, J.

The petitioner seeks regular bail under Section 439 Cr.P.C in relation to FIR No. 51 dated 29.01.2015 on the file of Police Station City Ballabgarh, District Faridabad, registered under Section 379 IPC (Section 411 IPC added later on).

The case of the prosecution was that the complainant's motorcycle was stolen on 25.01.2015 from outside the house of his sister at Chawla Colony, Ballabhgarh, and the said motorcycle was recovered from the possession of petitioner and his co-accused.

The petitioner has been in custody since 23.07.2020. Earlier, he was granted bail twice in relation to this case but he jumped bail and was declared a proclaimed offender. This would have been fatal to the present bail petition in ordinary circumstances but for the significant fact that the co-accused of the petitioner has already been acquitted by the learned

Additional Chief Judicial Magistrate, Faridabad, *vide* judgment dated 02.03.2017 passed in Criminal Case No.136/1 of 2015, titled '*State V/s. Om Parkash*'.

Perusal of the said judgment reflects that the trial Court was of the opinion that the prosecution's case was erroneous and highly doubtful and on that ground, the co-accused of the petitioner was acquitted.

In the light of the clear finding recorded in the said judgment, the fate of the case against the petitioner also stands sealed. Therefore, no purpose would be served by his continued incarceration.

The petition is accordingly allowed directing the release of the petitioner on regular bail in in FIR No. 51 dated 29.01.2015 on the file of Police Station City Ballabgarh, District Faridabad, upon his furnishing a personal bond for a sum of Rs. 20,000/- along with two sureties for a like sum each to the satisfaction of the Illaqa/Duty Magistrate concerned.

(SANJAY KUMAR)
JUDGE

04.09.2020

rakesh

whether speaking/non speaking : Yes/no

whether reportable/non reportable : Yes/no