

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(202)

CRM No. M-30848-2020

Date of Decision : 02.11.2020

SAMAYDEEN

....Petitioner

Versus

STATE OF HARYANA

.....Respondent

(through video conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Tajender K. Joshi, Advocate for the petitioner.

Ms. Safia Gupta, Assistant Advocate General, Haryana.

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in FIR No. 82 dated 27.02.2019, under Section 379 IPC (later on Section 411, 467, 468, 471, 476, 420, 120-B IPC added), registered at Police Station Sector-5, Gurugram, District Gurugram.

Learned counsel for the petitioner argues that in fact, the petitioner was arrested in an FIR No. 72 dated 01.03.2020 and later on the petitioner was involved in the present FIR also, which was registered in February, 2019 on similar allegations. Learned counsel for the petitioner submits that not only in this, the petitioner was also involved in eight more cases by alleging false allegations against him on similar allegations.

Learned counsel further submits that except the present case, the petitioner

is already on bail in all the other cases, which also involve similar allegations.

Learned State counsel submits that the petitioner is a habitual offender and keeping in view the past antecedents of the petitioner, as the petitioner is also involved in eight other FIRs, petitioner be declined the benefit of regular bail though, it is conceded by the learned State counsel that the petitioner has already been granted the bail in all the other cases involving similar allegations except the present case.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Nothing has been shown to be recovered from the petitioner in respect of the present allegations except the master key and the devices, which are used for stealing the vehicles. The said allegation whether, the petitioner in fact stole those vehicles or not using the record master key and other devices, is yet to be proved during the trial. The petitioner has already been granted the benefit of bail in all the other cases, which he is facing on similar allegation. That being so, once the challan has already been presented and the trial is likely to take some time to conclude, no useful purpose will be served in keeping the petitioner behind the bars and learned counsel for the petitioner has undertaken that the petitioner will maintain good conduct, while on bail, petitioner is entitled for the benefit of regular bail in this case.

The petitioner be released on regular bail in this case subject to the satisfaction of the trial Court/Duty Magistrate concerned.

Learned counsel for the petitioner undertakes that petitioner

will not influence the trial in any manner as the challan has already been presented and in case of default of the above undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

November 02, 2020
kanchan/naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? *Yes/No*
Whether reportable? *Yes/No*