

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

CRM-M-32821-2020 (O&M)

Date of decision: 21.12.2020

Uttam

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. S.S. Duhan, Advocate for the petitioner.

Mr. Karan Garg, AAG, Haryana.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

This petition for regular bail has been filed by petitioner Uttam, aged about 18 years, an accused in FIR No.176 dated 26.05.2020, for an offence under Section 379A IPC, registered with Police Station Kalanaur, District Rohtak.

Briefly stated facts of the case as per prosecution version are that, on 26.05.2020, accused Uttam along with his co-accused Ashok @ Shoka had hired a car make Maruti bearing registration No.HR55-AH-7663 belonging to complainant Devender Choudhary from Bus Stand Gurugram for going to Bhiwani @ Rs.12/- per km; when the car reached near Village Kahanur at Siwana road, the accused asked him to check the air pressure of the tyre; the complainant accordingly alighted from the car for that purpose, then the accused sped away the car; formal FIR in the

matter was registered on 03.11.2019. The investigation in the case started. Accused Uttam was arrested on 28.06.2020. After completion of investigation and other formalities, challan has been filed in the Court.

The petitioner had moved a petition for regular bail before Court of Sessions at Rohtak, however, his such petition was dismissed by learned Sessions Judge, Rohtak on 16.09.2020. As such, he has approached this Court, craving for grant of similar relief, which request is being opposed by the State counsel.

I have heard learned counsel for the parties besides going through the record.

The car in question is said to have been recovered from the possession of co-accused of the present petitioner, namely Ashok @ Shoka. It has been pointed out that in the FIR, names of the culprits are not mentioned and name of the present petitioner is said to have cropped up during interrogation of co-accused Ashoka @ Shoka. The trial is at initial stage. The same is likely to take some time. The guilt of the petitioner shall be determined during the trial. Therefore, keeping in view the facts and circumstances of the case, the petition in hand calls for acceptance. The same is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of trial Court/CJM/Duty Magistrate, Rohtak, subject to the following conditions:-

- (i) he shall appear in the Court on each and every date of hearing;
- (ii) he shall not give any threat or intimidation to the prosecution witnesses; and

(iii)he shall not leave India without prior permission of the Court and shall surrender his passport, if he has got one, otherwise to furnish affidavit in that regard.

21.12.2020

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No