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

**CRM-M No.2851 of 2021(O&M)
Date of Decision: 27.01.2021**

Naveen @ Sonu

.....Petitioner

Vs

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Gopal Sharma, Advocate
for the petitioner.

Mr. Rajat Gautam, DAG, Haryana.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C read with Section 167(2) Cr.P.C in case bearing FIR No.541 dated 04.08.2020 registered under Sections 379, 411, 420, 467, 471 IPC (Sections 468, 120-B, 34 IPC added later on) at Police Station City Sonapat.

The bail was rejected by the Chief Judicial Magistrate, Sonapat vide order dated 23.11.2020 by observing that the final report qua the petitioner was submitted on 06.11.2020. The Additional Sessions Judge, Sonapat also rejected the prayer on the ground that the challan was presented against the petitioner

on 07.11.2020.

Learned counsel for the petitioner by referring to the order dated 09.11.2020 passed by the Chief Judicial Magistrate, Sonapat submitted that the challan was in fact presented on 09.11.2020. However, learned counsel submitted that the application itself was filed after 09.11.2020, therefore, even if, the petitioner is not entitled for default bail as on 09.11.2020, but on merits, his case needs to be considered on the ground that filing of challan qua him would be dependent upon the complicity of Ikrar resident of Meerut, who has not been traced out so far. As per investigation, till date, it has been found by the police that the petitioner and his associates purchased scrap of accidental vehicle and sent the same for repair to Ikrar resident of Meerut. The chasis number of purchased scrapped vehicle got ingraved on stolen vehicle from Ikrar and by doing the same, the accused used to earn profits. Learned counsel further submitted that the offences are triable by the Magistrate and the petitioner is in custody since 10.08.2020.

Learned State counsel, however, opposed the bail on the ground that the complicity of the petitioner is writ large on the face of the record as he is involved in purchase of scrap of accidental vehicle and by sending the same for repair to Ikrar and by getting number of scrapped vehicle ingraved on stolen

vehicle, used to earn hefty amount in connivance with others. Challan has been presented qua the petitioner.

It is not in dispute that the investigation is pending qua other accused. It is so recorded even in the challan that during pandemic COVID-19, investigation of the case could not be completed. The complete address of Ikrar could not be verified and the same would be done after the arrest of co-accused Ikrar. Investigation qua that aspect is still pending.

Keeping in view the nature of offence, period of custody and the offence being triable by the Magistrate, I deem it appropriate to enlarge the petitioner on regular bail without meaning anything on merits of the case.

In view of above, petition is allowed. Petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

(RAJ MOHAN SINGH)
JUDGE

January 27, 2021
Prince

Whether speaking/reasoned Yes/No

Whether reportable Yes/No