

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

220

CRM-M-6261-2021

Date of Decision:16.02.2021

Subhash Chander

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Neeraj Yadav, Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, A.A.G., Haryana.

HARI PAL VERMA, J.(Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.89 dated 01.07.2020 under Sections 379-A, 34 IPC (the offences under Sections 411, 420, 467, 468, 201, 397 were added later on), registered at Police Station Jakhal, District Fatehabad.

The aforesaid FIR was initially registered against unknown persons with the allegation that two persons hired a taxi Innova car for ride and, thereafter, forcibly snatched away the vehicle, whereas the allegation against the petitioner is that he has purchased the snatched car from unknown persons.

Learned counsel for the petitioner has argued that the petitioner

never knew that the car purchased by him was ever snatched by other co-accused or was involved in any crime whatsoever. He has been named as an accused in the case on the basis of disclosure statement of the co-accused, who allegedly disclosed that the vehicle bearing registration No. DL-1YC-1356 was sold by him (co-accused) to the petitioner. The offences under Section 467, 468, 471 read with Section 34 IPC are not made out against the present petitioner and the allegation of snatching or robbing of the car, in question, were made only against the co-accused. Since the petitioner has shown to have purchased the snatched/stolen car, he has been named in the case that too on the basis of disclosure statement of the co-accused. He submits that the petitioner is in custody since 31.12.2020 and trial in the case is not likely to be concluded in the near future.

Learned State counsel does not dispute the custody period of the petitioner, however, she submits that the petitioner had the knowledge at the time of purchasing the car, which was otherwise snatched by other co-accused and therefore, the petitioner has rightly been booked for the offences as mentioned in the present FIR.

Heard learned counsel for the parties.

Petitioner is in custody since 31.12.2020. At the most, the allegation against the petitioner is that he has purchased the car, which was snatched by the co-accused, but the fact as to whether the petitioner had the knowledge at the time of purchasing the car that the car was snatched/stolen by the co-accused, is a matter to be adjudicated during the course of trial. Considering the fact that trial in the case is likely to take some long time as only challan has been presented that too on 29.01.2021 and there being no other case against the petitioner of similar nature, this Court deems it

appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

However, it is made clear that the observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall proceed with the trial independently without being influenced by the order of bail passed by this Court.

February 16, 2021
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No