

Sr.No.218

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

CRM-M-26849-2021

Date of decision:22.07.2021

Parmod @ Tiger

... Petitioner

versus

State of Haryana

... Respondent

Coram: Hon'ble Mr. Justice Arvind Singh Sangwan

Present: Mr. Saurabh Dalal, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

Through Video Conference

Arvind Singh Sangwan, J.(Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.355 dated 28.05.2019, for offence punishable under Sections 379-A, 34 IPC and Section 25 of The Arms Act registered at Police Station City Rohtak, Rohtak.

This is the second petition and new ground for filing the present petition is that petitioner is in custody for the last more than 02 years and no PW has been examined, so far.

Counsel for the petitioner has submitted that FIR was registered at the instance of Abdul Hafiz with the allegation that he is working as a

driver on a trailer, which brings new cars from the company to the showroom. On 28.05.2019 he was bringing cars of HYUNDAI company for delivery to agency at Rohtak. After reaching the company, he took up one Venue car from the trailer and its keys were lying in the car, in the mean-time, four young boys came, one person started the car and tried to ran away, in the mean-time when the complainant tried to stop him by coming in front of the car, one boy who was sitting on other bike shown pistol to him and thereafter, all the four boys ran away with the Venue car. Counsel for the petitioner has submitted that as on today the petitioner is in custody for the last more than 02 years 01 month and no PW has been examined so far.

Counsel for the petitioner has further submitted that one of the co-accused Mohit has already been granted the concession of regular bail by the Court of Session.

Counsel for the State has not disputed the fact that one of the co-accused Mohit has already been granted the concession of bail by the Court of Sessions.

State counsel has filed the custody certificate and has opposed the grant of bail to the petitioner on the ground that petitioner is involved in three more FIRs, one under Section 307, 323 IPC and Section 25 of the Arms Act.

State counsel has further submitted that co-accused Mohit has been granted the regular bail, from whom the motorcycle was recovered which was used in the commission of offence whereas the car which was stolen from the complainant was recovered from the petitioner.

Without commenting anything on merits of the case, considering the fact that the petitioner is not involved in any other case; he is in judicial custody since for more than 02 years and 01 months and it will take some time in conclusion of the trial, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

22nd July, 2021

Shivani Kaushik

[ARVIND SINGH SANGWAN]

JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No