

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

105

**CRM-M-31811-2020
Date of decision : 02.03.2021**

Afsar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Varlin Garg, Advocate
for the petitioner.

Mr. Ranvir Singh Arya, Addl. A.G., Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

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

The petitioner has filed present (third) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to him in case FIR No.61 dated 21.03.2019 registered under Sections 201, 394, 395, 397 and 427 of the Indian Penal Code, 1860 in Police Station Industrial, Sector-7, IMT Manesar, Gurugram.

The above-said FIR was registered on complaint made by Satish Kumar alleging that he has a factory in the name of Om Sai Power Technology at Plot No.58, Sector-4 IMT Manesar. He has rented the front portion of the plot to Panasonic India Private Ltd where the Panasonic Company stored car batteries. On 21.03.2019 at about 2:20 A.M., Prem Nath, one of the guard in the Company, informed them that theft had been committed in their company. He visited the company and saw that many batteries had been stolen from the warehouse of the

Panasonic Company and many goods were stolen from his company also.

The petitioner, who is in custody since 24.03.2019, has filed the present third petition for grant of regular bail.

Earlier petitions CRM-M-54840-2019 and CRM-M-16662-2020 filed by the petitioner for grant of regular bail were dismissed as withdrawn vide orders dated 08.01.2020 and 10.08.2020 passed by this Court.

Petition has been opposed by learned State Counsel in terms of reply filed by way of affidavit of Dr. Hitesh Yadav, HPS, Assistant Commission of Police, Manesar, Gurugram.

I have heard learned Counsel for the petitioner and learned State Counsel and gone through the record.

Learned Counsel for the petitioner has argued that the petitioner has been falsely implicated in the case on the basis of disclosure statement. As per the version of the complainant the faces of the accused persons were muffled that is why no eye witness could recognize the accused persons. The trial is likely to take long time due to restrictions imposed to prevent spread of infection of Covid-19. No useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be granted concession of regular bail.

On the other hand, learned State Counsel has argued that the petitioner had committed heinous offences. 37 Panasonic batteries were recovered from possession of the petitioner. The petitioner is also involved in four other criminal cases. In view of nature of accusation

and gravity of offences committed, the petitioner does not deserve the concession of regular bail. Therefore, the petition may be dismissed.

Keeping in view the facts and circumstances of the case, nature of accusation against the petitioner, alleged recovery of 37 Panasonic batteries from possession of the petitioner and his involvement in four other cases of similar nature as well as the fact that the trial can be expedited on easing out of the restrictions imposed to prevent spread of infection of Covid-19, I am of the considered view that the petitioner does not deserve the concession of regular bail.

In view of the above, the present petition filed by the petitioner for grant of regular bail is dismissed.

02.03.2021

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(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No