

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-39708-2021
Date of Decision: 28.09.2021

Mohit

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Baljeet Beniwal Advocate, for the petitioner.

Mr. Ranveer S. Arya, Addl. Advocate General, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in FIR No.158 dated 23.06.2021 under Section 379 IPC, registered at Police Station Chhainsa, District Faridabad.

The learned counsel for the petitioner has submitted that in the present case the petitioner is in custody since 24.06.2021 and the investigation of the case is already complete and the challan has already been presented under Section 173 Cr.P.C. before the competent Court. He submitted that no recovery is to be effected from the petitioner and the petitioner has been falsely implicated in view of the fact that he was earlier involved in some other cases and, therefore, the present case was planted

upon the petitioner. He submitted that in some of the other cases of similar nature, the petitioner was also falsely implicated and he is on bail in all the other cases.

He further submitted that no useful purpose will be served in case the petitioner is kept in custody for longer period because the trial of the case will take long time.

On the other hand, Mr. Ranvir Singh Arya, learned Addl. Advocate General, Haryana has stated that in view of the fact that the petitioner is involved in other six cases although he is on bail, the petitioner is not entitled for the grant of concession of regular bail. The custody of the petitioner is not disputed by the learned State counsel and it is also not disputed that the investigation of the case is already complete and challan stands presented.

I have heard the learned counsel for the parties.

The allegations which are contained in the FIR are that the petitioner had stolen the harrow wheels and took them away along with the motor-cycle. The investigation of the case is already complete and no recovery is to be effected from the petitioner. The pendency of the other criminal cases against the petitioner would not become a ground for denial of bail to the petitioner in the facts and circumstances of the present case.

Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

It is made clear that in case the petitioner commits a similar kind of offence, then the prosecution shall always be at liberty to file an application for cancellation of bail.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

28.09.2021

rakesh

(JASGURPREET SINGH PURI)
JUDGE

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