

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

115/2

**CRM-35285-2021 in
CRM-M-42259-2021.
Date of Decision: 25.10.2021.**

Mukesh Kumar	Versus	Applicant/Petitioner.
State of Haryana		Respondent.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Kuldeep Singh Siwach, Advocate for applicant/petitioner.
Mr. Vikrant Pamboo, Deputy Advocate General, Haryana.

Lalit Batra, J.(Oral)

CRM-35284-2021

This application under Section 482 Cr.P.C. has been moved by applicant/petitioner seeking preponement of date of hearing of the main case, which is already fixed for 01.12.2021.

Notice of application.

At the asking of Court, learned State counsel accepts notice and stated that he has no objection if application is allowed.

In view of the grounds mentioned in the application and no objection by learned State counsel, hearing of the main petition is preponed and the same is taken on Board today itself.

CRM is allowed.

Main Case

This petition under Section 439 Cr.P.C for grant of regular bail has been moved by petitioner-**Mukesh Kumar** in case FIR No.45 dated 27.01.2021 under Sections 379 and 411 IPC (offence under Sections 201

and 413 IPC added lateron), registered at Police Station City Fatehabad, District Fatehabad.

Learned counsel for the petitioner *inter alia* contends that version, as alleged in the FIR, is totally concocted one and there is no iota of truth therein. He further submits that petitioner was not named in the FIR and as a matter of fact name of petitioner surfaced in the array of accused on the basis of disclosure statement rendered by co-accused Dinesh. He further submits that alleged recovery of stolen motorcycles shown at the instance of petitioner is planted one. He further submits that in case FIR No.15 of 2021 under Sections 120-B, 201 and 379 IPC, registered at Police Station City Sangria, District Hanumangarh, petitioner has already been released on bail, vide order dated 05.05.2021 passed by Additional Sessions Judge, Sangria, District Hanumangarh. He further submits that co-accused namely Sandeep and Pintu have already been admitted to regular bail by this Court, vide orders dated 26.08.2021 and 27.09.2021 passed in CRM-M-22431-2021 and CRM-M-16831-2021 (Annexures P/1 and P/2 respectively). He further urges that petitioner is languishing in custody since 30.01.2021 and he is no more required by the Investigating Agency for any investigation purpose as after completion of investigation, final report under Section 173 Cr.P.C. (*Challan*) has already been presented in Court. He further submits that since trial of the case would take sufficient time to conclude, no useful purpose would be served by keeping the petitioner in custody further and he may be released on bail.

On the other hand, learned State counsel while opposing instant petition has vehemently argued that keeping in view seriousness of offence,

petitioner does not deserve the concession of bail.

I have heard learned counsel for the parties and carefully gone through the record of the case.

At this stage, without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into consideration the fact that petitioner is in custody since 30.01.2021; that petitioner is no more required by the Investigating Agency for investigation purpose as after completion of investigation final report under Section 173 Cr.P.C. (*Challan*) has already been presented in Court and since trial of the case would take sufficient time to conclude, no useful purpose would be served by detaining the petitioner in custody further, thus, he deserves the concession of bail.

In view of above, instant petition for grant of regular bail moved by petitioner-**Mukesh Kumar** is allowed and he is ordered to be released on bail on his furnishing personal/surety bonds to the satisfaction of Trial Court/Chief Judicial Magistrate/Duty Magistrate, Fatehabad, as the case may be.

(LALIT BATRA)
JUDGE

25.10.2021
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Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No