

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

**CRM-M No. 45979 of 2021 (O&M)
Date of Decision: 02.11.2021**

Mohammad Ali

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. P.K.S. Phoolka, Advocate
for the petitioner.

Mr. Pradeep Prakash Chahar, Deputy Advocate General, Haryana

[Through Video Conferencing]

SURESHWAR THAKUR, J. (ORAL)

An FIR No. 401 of 19.10.2014, constituting therein offences, under Sections 380 & 420 of IPC, is lodged against the accused one Nawab, and, against the present bail applicant - petitioner, at Police Station Panipat Sadar, District Panipat.

The Investigating Officer could not promptly, since the lodging of the FIR (supra) in the year 2014, hence, make any recovery of the stolen motorcycle. Therefore, he was constrained to submit an untraced report before the learned Judicial Magistrate concerned.

However, in the year 2020, the Investigating Officer concerned was able to locate the above stolen motorcycle, owned by the complainant, and, the learned Judicial Magistrate concerned made an order, on 01.12.2020, where-through, he directed for the releasing of the stolen motorcycle, to its owner, on his furnishing superdari in the sum of ₹

concerned.

The effect of the afore release of the stolen motorcycle, to the owner, under superdari does obviously beget a conclusion, that not only the recovery of the stolen motorcycle, is made, but that it has also been released under a superdari, to its owner through order (supra) made by the Judicial Magistrate concerned. Consequently, since on occurrence of the afore event rather the investigations into relevant offence is complete.

Therefore, it is deemed not fit and appropriate to order for the custodial interrogation of the bail applicant – petitioner. In sequel, the present petition is allowed, and the bail applicant, in the event of his arrest, is ordered to be released, by the Investigation Officer, on his furnishing personal and surety bonds in the sum of ₹ 50,000/- each, before him, and, also subject to his not tampering with prosecution evidence, and/or not influencing prosecution witnesses, and, also his appearing before the Investigating Officer concerned, as and when he is required to be making his personal appearance.

A copy of this order be given dasti on payment of usual charges.

November 02, 2021
'dk kamra'

(SURESHWAR THAKUR)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>