

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-8249-2022 (O & M)****Date of decision: 30.05.2022**

Sachin Rawal

.... Petitioner

V/s

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Jasjit Singh Rattu, Advocate, for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

JASJIT SINGH BEDI, J. (Oral)**CRM-15809-2022**

The application for placing on record the copy of the order dated 07.04.2022, Annexure P-3, is allowed as prayed for. The aforesaid order is taken on record. The Registry is directed to tag the same at the appropriate place of the paper-book.

CRM-15810-2022

The present application had been filed on 26.04.2022 seeking advancement of the date of hearing i.e. 25.05.2022 fixed in the main case.

Since on 25.05.2022, the hearing of this application was deferred to today i.e. 30.05.2022 to be taken up alongwith the main case, which is also fixed for today, therefore, the same has been rendered infructuous and is dismissed as such.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of the regular bail to the petitioner in a case FIR No.486 dated 17.10.2019 under Sections 380 IPC registered with Police Station Sector 50, Gurugram.

2. The brief facts of the case are that a statement of one Ashu Jain was recorded to the effect that on 15.10.2019 at around 12.00 p.m., a blue Swift car was parked outside their showroom where the workers were fitting the accessories in the car and were making it ready for delivery to be made on 16.10.2019 to one Mr. Rakesh, the original booking holder of the said car. At that time, one unknown person came to the showroom met the sales executive Mr. Gurminder and told him that he wanted to purchase a similar model. The said Mr. Gurminder took the unknown accused person for test drive and after one round of driving, the car was being parked in the parking lot. When Mr. Gurminder got out of the car, the said person immediately drove away from the parking lot outside the showroom thereby stealing the car.

3. The learned counsel for the petitioner submits that there is a delay of two days in registration of the FIR. In fact, the petitioner was arrested in FIR No.848 of 2021 under Sections 353, 364, 368 IPC and Section 7 C.L.A. Act, with Police Station Surajpur, District Gautam Budh Nagar. The car is said to be recovered in the said case. It is, thereafter, during the course of investigation in the aforementioned case that the petitioner suffered a disclosure statement confessing about his involvement in the present case. He further contends that no test identification parade was conducted and there is no evidence that the petitioner has stolen the car. Since the challan has already been presented and the car stood recovered, the

4. The learned counsel for the State on the other hand contends that the petitioner is an accused in two other FIRs though he has been granted bail in those cases. However, his antecedents do not entitle him to the grant of bail as he has committed a very serious offence.

5. I have heard the learned counsel for both the parties.

6. The petitioner is in custody since 18.10.2021. The investigation is complete and the trial is in progress. In two other FIRs i.e. FIR No. 848 of 2021 under Sections 353, 364, 368 IPC and Section 7 C.L.A. Act, with Police Station Surajpur, District Gautam Budh Nagar and FIR No.851 of 2021 under Section 482 IPC with Police Station Surajpur, District Gautam Budh Nagar, he has been granted the concession of bail as is borne out from the orders dated 07.04.2022 and 18.04.2022.

7. In view of the period of custody undergone by the petitioner as also the fact that he has been granted the concession of bail in the aforesaid two cases, the further incarceration of the petitioner is not required. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Sachin Rawal, is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

The petitioner shall appear on the first Monday of every month before the local police station and shall furnish an affidavit each time that he is not involved in any case other than the cases mentioned hereinabove.

(JASJIT SINGH BEDI)
JUDGE

May 30, 2022
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No