

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

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**CRM-M-14160-2022
Date of Decision: 26.04.2022**

SOMBEER

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Mr. Surinder Gaur, Advocate
for the petitioner.

Mr. Ashish Yadav, Addl. A.G., Haryana.

VINOD S. BHARDWAJ, J. (ORAL)

Instant petition has been filed under Section 439 of the Cr.P.C. for grant of regular bail to the petitioner in case FIR No.290, dated 06.09.2021 under Sections 201 and 379-A of the Indian Penal Code (Section 201 added later on), registered at Police Station Arya Nagar, Rohtak.

Learned counsel appearing on behalf of the petitioner *inter alia* contends that the petitioner is in custody since 22.09.2021. Investigation in the case is complete. No recovery of any nature whatsoever has been effected from the petitioner. He further contends that as per the case of the prosecution, the motorcycle in question belonged to the petitioner and he was driving the same, however, the said stand of the prosecution is not corroborated by any cogent material inasmuch as neither the motorcycle was recovered from the petitioner or at the disclosure of the petitioner nor was the petitioner registered owner of the said motorcycle. He further contends that two other co-accused have already been granted the concession of regular bail.

Mr. Ashish Yadav, Addl. A.G., Haryana opposed the petition by stating that the petitioner is involved in four other cases apart from the instant case, that are pending against him. He submits that all the said cases

are registered against the petitioner in Delhi and, as such, the petitioner is a habitual offender. He, however, could not dispute the fact that no recovery in the instant case has been effected from the petitioner and that the other two co-accused have already been granted the concession of regular bail. It is also not controverted that the trial in the instant case has not yet been commenced and that the charges are yet to be framed.

Keeping in view the totality of the facts and circumstances of the instant case as well as the period of custody already undergone by the petitioner and the fact that the other co-accused involved in this case and from whom recovery in the instant case has been effected, have already been granted the concession of regular bail, I deem it appropriate to allow the instant petition.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of Trial Court/Duty Magistrate, concerned.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observation made hereinabove shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of available material.

(VINOD S. BHARDWAJ)
JUDGE

26.04.2022
rajender

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No