

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

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CRM-M-29098-2022

Date of decision: 14.07.2022

MUKESH

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present : Mr. Raman Chawla, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana
for the respondent-State.

SURESHWAR THAKUR, J. (ORAL)

1. The instant petition has been filed under Section 439 of Cr.P.C., wherein, the petitioner craves for indulgence of regular bail becoming granted to him, in respect of FIR No. 307 dated 03.05.2022 registered at Police Station City Hisar, District Hisar, wherein, offences constituted under Sections 420, 467, 468 and 471 of the IPC, are embodied.

2. The prosecution alleges against the present bail petitioner, that one Tata Motor vehicle bearing original No.HR61C 9573, chassis No. MAT448037HSA0069, was initially sold by the informant, to Pawan son of Umed Singh, but with a condition that the borrowings as made by the victim, and as comprised in a sum of Rs. 15,50,000/- becoming liquidated by the vendee to the bank concerned. However, the above Pawan is alleged to not liquidate the apposite borrowings to the bank concerned, rather he is alleged to cause unauthorized

changings of its engine, and, chassi numbers, and, thereafter, his alienating it to one Rajender, and, subsequently it coming in the possession of the present bail petitioner, who is alleged to display thereons, fake number plates, and, also fake address.

3. Since, it is not intimated to this Court, at this stage, that any evidence has emerged suggestive of the fact that the lending institution concerned, has initiated any processes for recovery of the borrowings, as made in respect of the vehicle concerned, rather by the complainant, thereupon, when the recovery of the vehicle concerned, has been effected by the investigating officer concerned. In consequence, when the judicial custody of the present bail petitioner has commenced on 20.05.2022, therefore, this Court deems it fit, and, becomes constrained to admit the present petitioner to regular bail.

4. Moreover, since at this stage, no evidence has been adduced by the prosecution, suggestive that in the event of the bail petitioner being admitted to regular bail, there is every likelihood of his fleeing from justice or tampering with prosecution evidence, or influencing prosecution witnesses. As such, his judicial incarceration is not required to be any further prolonged, as thereupon, his personal liberty would become unnecessarily fettered, and, curtailed.

5. However, the learned State Counsel has vehemently opposed the application, on the ground, that the bail applicant-petitioner is a habitual offender, thereupon there is every likelihood of the bail applicant-petitioner abusing the facility of bail, as may become accorded to him. However, the vigour of the afore made submission, of the learned State Counsel, before this Court, can be mitigated, by imposition of

stringent conditions, upon the bail applicant-petitioner.

6. Consequently, the instant petition is allowed, and, the petitioner-bail applicant is ordered to be released from judicial custody. However, the granting of bail to the bail applicant-petitioner, is subject to his furnishing personal and surety bonds in the sum of Rs.1,00,000/- each, before the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, and, also subject to his not tampering with prosecution evidence, and, his not influencing prosecution witnesses, and, besides also his appearing before the trial Court concerned, as and when directed to make his personal appearance unless validly exempted. Further, subject to petitioner-bail applicant making an undertaking before the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, that in case, he re-indulges in criminal activities, whereupon, on breach thereof, the order made today, shall become *ipso facto* annulled, and, that, upon, his being forthwith arrested by the investigating officer concerned, the latter shall produce the petitioner-bail applicant before the trial Court concerned, for the latter making an order for his being put to judicial custody.

7. The afore observations are meant only for the disposal of the present petition, and, shall not affect the merits of the trial arising from FIR (supra).

14.07.2022
kavneet singh

(SURESHWAR THAKUR)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*