

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 212

CRM-M-38666-2021

Date of decision : 29.10.2022

Pravin

..... Petitioner

VERSUS

The State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Anil Ghanghas, Advocate, for the petitioner.

Ms.Sheenu Sura, DAG, Haryana.

DEEPAK SIBAL, J. (ORAL)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.121 dated 03.06.2020 registered under Sections 379, 411, 420, 467, 468, 471, 473, 484, 120-B, 201 IPC and Sections 7 and 13 of Preventioin of Corruption Act, 1988 at Police Station City Dadri, District Charkhi Dadri.

The petitioner, alongwith his co-accused, is being prosecuted for having stolen vehicles and then selling them after changing their chassis/registration numbers.

Learned counsel for the petitioner submits that so far as the petitioner is concerned, there is not even an allegation that he actually committed theft or forged any document and therefore his prosecution under Section 411 IPC is not warranted; in a magisterial trial the petitioner is in custody for over one year and six months; the State has already concluded the investigation and therefore the petitioner is in no position to influence the same; on three occasions the petitioner remained on interim bail which concession he never misused; all the other co-accused, who have been

apprehended by the State and some of them like the petitioner were involved in other criminal cases as well, have been released on bail and that since in the present case as on date, even the charges have not been framed, the petitioner's trial, as and when it begins, will take a long time to conclude as in the same the prosecution has cited 85 witnesses.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner, alongwith his co-accused, had stolen 13 vehicles and it is the petitioner who had disclosed to the police the *modus operandi* as to how these vehicles were stolen and then sold after changing their chassis/registration numbers.

In a magisterial trial the petitioner is in custody for the last over one year and six months; all the petitioner's co-accused, who were apprehended by the State and like the petitioner were also facing other criminal cases have since been released on regular bail; on three occasions when the petitioner was granted interim bail he has not misused such concession; investigation in the case is complete qua the petitioner and therefore he is not in a position to influence the same; the petitioner's trial is yet to begin and as and when it does the same is likely to take a long time to conclude as in the report filed by the State under Section 173 Cr.P.C. the State intends to examine as many as 85 witnesses.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Charkhi Dadri, who shall insist upon at least two heavy local sureties, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

29.10.2022

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Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No

[DEEPAK SIBAL]

JUDGE