

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

CRM-M-37596 of 2022 (O&M)

DECIDED ON: 27th October, 2022

Sombir

....PETITIONER

VERSUS

State of Haryana

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Keshav Pratap Singh, Advocate for petitioner.

Mr. Gurmeet Singh, AAG Haryana.

AVNEESH JHINGAN, J (ORAL)

This is a petition seeking regular bail in case of FIR No. 121 dated 3.6.2020, under Sections 379, 420, 467, 468, 471 IPC, 1860 (later on Section 411, 484, 120-B, 201, 473 IPC, 1860 and Section 7 and 3 of Prevention of Corruption Act, 1988, have been added), registered at Police Station City Dadri, District Charkhi Dadri.

Short status report filed is taken on record.

Learned counsel for the petitioner claims parity with co-accused Kikheto Achumi, who was granted regular bail by this court on 10.3.2022

On 10.3.2022, this court passed the following order:

"1. This petition under Section 439 Cr.P.C. is filed seeking regular bail in FIR No. 121 of 2020, dated 3rd June, 2020, under Sections 379, 420, 467, 468 and 471 of Indian Penal Code, 1860 registered at Police Station Dadri City, District Charkhi Dadri, Haryana and Sections 120-B, 201, 411, 473, 484 of IPC and Sections 7 and 13 of the Prevention of Corruption Act, 1988 added later on vide the charge sheet dated 23rd April, 2021.

2. As per the case set up, acting upon a secret information Parveen was apprehended by the police party on 3rd June, 2020 at Charkhi Dadri. From his possession one Scorpio without proper documents, with tampered engine and chassis number was recovered. During interrogation, he disclosed that he had sold eight to ten vehicles and in collusion with officials of SDM office got them

registered after altering the engine and chassis number and preparing forged documents. During investigation fourteen vehicles were recovered. Parveen in his disclosure statement named Amit as his accomplice in business of sale and purchase of stolen vehicles. He also named Kikheto Achumi (petitioner), it was stated that in north-east State of India, business of stolen vehicles was being conducted through the petitioner.

3. Learned Senior counsel appearing for the petitioner submits that petitioner was not named in the FIR, he was named in a disclosure statement made by co-accused in FIR No. 560/2019 and thereafter, the petitioner was nominated in nine FIRs. There was no recovery made from the petitioner in the present case. Apart from the disclosure statement, there is no evidence against the petitioner to associate him with allegations. He further relies upon the fact that petitioner was in custody since December, 2020, in FIR No. 560, dated 15th September, 2019 and was granted bail by this Court on 2nd June, 2020. The investigation in present case is complete.

4. Learned State counsel opposes the prayer for grant of regular bail on the ground that petitioner is involved in nine more FIRs having similar allegations. She on instructions fairly submits that investigation is complete, challan stands presented. However, she is not in a position to dispute the fact that in FIRs having similar allegations the petitioner was granted bail by this Court, however, she submits that petitioner is resident of State of Nagaland and there are chances of absconding, hence, stringent conditions be imposed for grant of bail as done in order dated 2nd June, 2020.

5. Without commenting upon the merits of the case, considering that no recovery was made from the petitioner, he was granted bail in FIR No. 560/2019, the custody period and that conclusion of trial is likely to take time and that the involvement of the petitioner in other FIRs having similar allegations in itself would not be a sufficient ground to deprive his personal liberty, petitioner is granted bail, subject to stringent conditions to be imposed by the trial Court/Duty Magistrate concerned.

6. The petition is allowed.

7. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case. "

Learned counsel for the petitioner submits that the petitioner was a registration clerk on contractual basis. He further submits that co-accused Kikheto Achumi was granted bail by this Court on 10.3.2022. The contention is that the petitioner is in custody since 17th June, 2020 and was named in disclosure statement.

Learned State counsel opposes the prayer and submits that the petitioner was working as a registration clerk and he was the person who entered the data in the computer. To distinguish the parity of the petitioner with the co-accused so far as grant of bail is concerned he submits that petitioner is involved in two more cases

Without commenting on the merits of the case, considering the custody period and the fact that there are eighty-nine prosecution witnesses and till date not one witness has been examined, conclusion of trial is likely to take time and considering that co-accused was granted bail by this Court, bail is granted to the petitioner on furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

Since the main case has been decided, the pending application, if any is rendered infructuous.

(AVNEESH JHINGAN)
JUDGE

27th October, 2022
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<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>