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

**CRM-M-5348-2023 (O&M)
Date of Decision: 24.03.2023**

Hemraj and another

..... Petitioners

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Parminder Singh, Advocate
for the petitioners.

Mr. Ram Kumar Singla, DAG, Haryana.

HARSH BUNGER J. (ORAL)

CRM-10998-2023

The present application is filed for placing on record Annexures
P-5 to P-7.

Criminal Misc. Application is allowed as prayed for.

CRM-M-5348-2023

Prayer in the present petition, filed under Section 439 of the
Code of Criminal Procedure, is for grant of regular bail to the petitioners in
case FIR No.1071 dated 20.11.2022, under Sections 379, 411, 420 and 473
of the Indian Penal Code, 1860, at Police Station Sadar, Karnal.

Learned counsel for the petitioners submits that the petitioners
have been involved in case of purchase of stolen property i.e. car bearing
registration No. DL ICAE 4834. It is submitted that the petitioners had no
knowledge about the status of the vehicle of its being stolen property or not.

It is further submitted that the case property has been transferred to Delhi as

two FIR's were already registered qua theft of two vehicles at Delhi, i.e. case FIR No.32940, dated 14.11.2022, registered at Police Station Pashchim Vihar, West Delhi and case FIR No.32948 dated 14.11.2022, registered at Police Station Hari Nagar, Delhi. It is submitted that the petitioners have been granted bail in said two FIR's registered at Delhi. Learned counsel further submits that the alleged recovery has already been effected and case property has been ordered to be transferred. It is further submitted that investigation in this case is complete and challan has already been presented. Learned counsel further submits that the petitioners are not involved in any other case. Learned counsel next submits that the petitioners have been in custody for last more than three months and conclusion of trial would take some time and the petitioners are ready to abide by all the conditions as may be imposed by this Court or by the trial Court; accordingly prayer for grant of regular bail is made.

Learned State counsel opposes the plea of petitioners for grant of regular bail on the ground of seriousness of the offence, however, it is not disputed that two FIR's have been registered qua stolen cars in question at Delhi wherein petitioners have been granted bail vide order dated 25.12.2022 (Annexure P-3) and order dated 23.12.2022 (Annexure P-6 and Annexure P-7). It is further not disputed that the investigation is complete and challan has already been presented. It is also not disputed that the petitioners are not involved in any other case.

I have heard learned counsel for the parties and perused the paper book filed by learned State counsel, in Court today.

In this case, as per status report dated 16.02.2023, the petitioner No.1-Hemraj was arrested on 20.11.2022 and petitioner No.2-Rajat Mehta

was arrested on 25.11.2022. Thus, petitioners have been in custody for almost four months. The investigation in this case is complete and the challan has already been presented. The trial is likely to take long time and no useful purpose would be served by keeping the petitioners behind the bars.

Keeping in view the aforementioned circumstances, the instant petition is allowed and the petitioners are ordered to be released on regular bail subject to their furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate concerned. However, the concerned Station House Officer shall be informed about the release of petitioners and the petitioners shall inform the concerned Station House Officer about their address at which they intend to reside during the pendency of case and any change in the address shall also be communicated to the concerned Station House Officer, forthwith. The petitioners would also furnish their telephone number to the concerned Station House Officer. They would also furnish their undertaking to the effect that they will not indulge in any illegal activity.

Nothing expressed hereinabove shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for bail at this stage.

The petition is accordingly disposed of.

24.03.2023*Himani***(HARSH BUNGER)
JUDGE**

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| 1. Whether speaking/reasoned : | Yes/No |
| 2. Whether reportable : | Yes/No |