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

**CRM-M No. 20635 of 2023
Date of Decision: 30.05.2023**

Manish

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Gaurav Gupta, Advocate for petitioner.

Mr. Vishal Malik, DAG, Haryana.

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SANJIV BERRY, J. (ORAL)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.97, dated 27.03.2007 under Sections 379 of IPC registered at Police Station City Palwal, District Palwal.

2. It has been contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He submitted that no recovery is to be effected from the petitioner as the alleged motorcycle had already been recovered by the police on 17.05.2007 by the police of Police Station Hathras (U.P) and the challan against the petitioner has already been presented in the Court.

3. The learned State Counsel has placed on record the status report

in the form of the affidavit of Deputy Superintendent of Police Palwal, District Palwal dated 29.05.2023 and stated that the challan has been presented in the Court. He has prayed for dismissal of the petition by arguing that the petitioner has already evaded his arrest for many a years and if granted bail he may again abscond.

4. Arguments heard and record perused.

5. After considering the rival contentions, it transpires that in the present case the allegations against the petitioner are qua theft of the motorcycle of the complainant. Admittedly, the said motorcycle was recovered by Police of Police Station Hathras, (U.P) and it is not disputed that the present petitioner had been convicted in that case FIR No. 161 of 2007, Police Station Hathras (U.P) decided on 15.01.2018. After being declared as proclaimed offender in the present case the petitioner was arrested only on 23.02.2023 and since then he is in custody. As stated above the challan against the petitioner had already been presented in Court after completion of investigation so no purpose would be served by detaining him in custody any longer.

6. In view of the facts and circumstances, without commenting on the merits of the case the petition is hereby disposed of, and the petitioner is ordered to be admitted to bail on his furnishing bail bonds to the satisfaction of learned CJM/Duty Magistrate concerned. The petitioner is further directed to appear regularly before trial Court; and not to leave the country without prior permission of the Court; not to tamper with evidence of prosecution in any manner.

7. Anything stated here in above, shall not be construed as the opinion of this Court on merits of the case.

(SANJIV BERRY)
JUDGE

30.05.2023
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |