

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

CRM-M-24941-2023

Decided on:-24.05.2023

Rakesh

....Petitioner..

VS.

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. P.S. Ahluwalia, Advocate for the petitioner.

Mr. R.K. Ambavta, AAG, Haryana.

HARKESH MANUJA J.

1. By way of present petition filed under Section 439 Cr.P.C, prayer has been made for grant of regular bail in case FIR No.413 dated 25.10.2022, under Sections 379, 411, 413, 201 and 34 IPC, registered at Police Station Murthal, District Sonapat.

2. As per the allegations levelled against the petitioner, stolen canter in question bearing registration No.HR-67-C-6658 was recovered on the basis of his disclosure, which was handed over to him by the co-accused so as to change its identity.

3. Learned counsel for the petitioner submits that the petitioner has already suffered incarceration for a period of 6-1/2 months and post investigation trial is likely to take time, thus, he prays for grant of regular bail.

4. On the other hand, learned State counsel opposes the prayer made on behalf of the petitioner while submitting that petitioner is involved in 03 other cases of similar nature, though, he has been granted bail in all those cases by the trial court vide orders Annexures P-5 to P-7.

5. I have heard learned counsel for the parties and gone through

the paper-book. I find substance in the submissions made on behalf of the petitioner.

6. Besides the present FIR, though, there are three other FIRs against the petitioner, but in those cases, he has already been granted the concession of bail by the trial court. Though, present FIR has been registered under Sections 379, 411, 413, 201 and 34 IPC, however, offence under Sections 379 and 411 IPC are punishable with sentence of three years, whereas, the petitioner has already suffered incarceration of 6-1/2 half months, besides the fact that the implication under Section 413 IPC is debatable as the petitioner has not been convicted yet in any of the cases pending against him and thus, cannot be termed to be "habitual offender" as mentioned under Section 413 IPC. Reference in this regard can be made to decision of this Court passed in *CRR-2697-2017, "Jashbir Singh @ Jassa and another vs. State of Punjab" decided on 21.12.2022.*

7. Considering the fact that the petitioner has already suffered incarceration for almost 6-1/2 months, the investigation in the present case already stands concluded with the filing of challan and charges are yet to be framed, thus, trial is likely to take some time, I do not find any reason to extend the incarceration of the petitioner any further.

8. In view of the above, without expressing any opinion on the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail bonds and surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

24.05.2023
sonika

(HARKESH MANUJA)
JUDGE

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