

CRM-M-39065 of 2022

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

CRM-M-39065 of 2022
Date of decision: 31.01.2023

Sandeep @ Sunny

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Nihul Pratap Singh, Advocate, for the petitioner.
Ms. Gaganpreet Kaur, AAG, Haryana.

NAMIT KUMAR, J. (ORAL)

In compliance of order dated 30.11.2022, additional affidavit of Manoj Kumar, Dy. Superintendent of Police, Gharaunda, Karnal, has been filed on behalf of the respondent-State, which is taken on record.

This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case FIR No.146 dated 10.05.2022 under Sections 420, 467, 471, 120-B IPC (Sections 482 and 414 IPC added lateron), registered at Police Station Madhuban, District Karnal, Haryana.

According to the prosecution, petitioner along with co-accused Nitin Sharma had purchased forged registration certificate and stole vehicles make Breeza Silver bearing registration No.AR-06A-8902, Breeza red colour bearing registration No.DL-8CAQ-3699, Baleno bearing registration No.HP-64-C-2929 and one Scorpio bearing registration No.HR-

CRM-M-39065 of 2022

02AT-9917 and they further sold the abovesaid vehicles to other persons including the terrorists. During interrogation, co-accused Nitin Sharma, admitted this fact in his disclosure statement and he also disclosed the name of the petitioner. He also disclosed in his disclosure statement that he along with petitioner purchased the total 16 stolen vehicles from one Pawan Kumar and they further sold the same to many other persons including Ram Narayan who was posted in Air Force Jammu.

Learned counsel for the petitioner contends that the petitioner is innocent and has been falsely implicated in the present case as he has not committed any offence. He further submits that petitioner is not named in the FIR. His name appeared in the disclosure statement of co-accused Nitin Sharma, which has no evidentiary value. He further submits that in the present case challan has been presented; charged have been framed and out of 19 prosecution witnesses, 05 witnesses have been examined so far. He further submits that the offence is triable by the Magistrate. Petitioner is in custody since 17.05.2022. He further submits that co-accused Nitin Sharma has been granted bail under Section 437(6) Cr.P.C. by the trial Court vide order dated 03.01.2023. He further submits that petitioner is at parity with his co-accused Nitin Sharma. No other case is pending against the petitioner. Trial may take a considerable time to conclude. Therefore, no useful purpose would be served by detaining the petitioner behind bars.

Learned State counsel while placing on record the custody certificate, opposes the prayer for grant of regular bail to the petitioner. However, she does not dispute that challan has been presented in the present case; charges have been framed and out of total 19 prosecution witnesses, only five witnesses have been examined till date; petitioner is behind bars

CRM-M-39065 of 2022

for the last 08 months and 13 days and co-accused of the petitioner has been granted bail under Section 437(6) Cr.P.C. by the trial Court.

I have heard learned counsel for the parties and perused the record.

Keeping in view the custody of the petitioner, which is 08 months and 13 days; investigation is complete; challan has been presented; charges have been framed and out of 19 prosecution witnesses, only five prosecution witnesses have been examined; co-accused of the petitioner has been granted bail under Section 437(6) Cr.P.C. by the trial Court and trial is likely to take a considerable time to conclude, however, without commenting upon the merits of the case, the petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

The petition stands disposed off accordingly.

31.01.2023
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No