

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-55106-2022 (O&M)
Date of Decision:-6.1.2023

Satish @ Fauji

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sanjay Kumar Saini, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered vide FIR No.52, dated 24.2.2021, Police Station Murthal, District Sonipat, Haryana, under Sections 379 of Indian Penal Code, wherein offences under Sections 395, 412 of Indian Penal Code and Section 27 of Arms Act were added later on.
2. The FIR was lodged at the instance of Tinku, wherein it is alleged that on the night intervening 23/24.2.2021 when he was proceeding towards his home in car bearing registration No.DL-7226, he parked his car on the way to have tea. However, some unknown persons stole his car by breaking the window.
3. Learned counsel for the petitioner submits that the petitioner is nowhere named in the FIR and came to be nominated as an accused pursuant to disclosure statements made by two co-accused namely Sunil and Vinay, who had been arrested in connection with some other case, which would hardly carry any evidentiary value.

4. Opposing the petition, learned State counsel submitted that since the petitioner has been specifically named by two of his co-accused and the recovery of stolen car has been effected from the petitioner, his complicity is clearly evident and, as such, he does not deserve the concession of bail. Learned State counsel has, however, informed that the petitioner has been behind bars since the last about 1 year and 8 months. It has also been informed that 2 PWs out of the cited 22 PWs have been examined till date.
5. This Court has considered the rival submissions.
6. The petitioner is stated to have been nominated on the basis of disclosure statements of co-accused, the admissibility and veracity of which would be debatable. In any case, the petitioner has been behind bars for a substantial period of about 1 year and 8 months. Conclusion of trial is likely to consume time inasmuch as only 2 PWs out of the cited 22 PWs have been examined so far. In these circumstances, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
7. It is further clarified that the aforesaid order shall enure offences under Sections 392 and 394 of Indian Penal Code as well, which are stated to have been added subsequently.

6.1.2023

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No