

239

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

CRM-M-61073-2022

Date of Decision:-10.01.2023

MAHESH MATHUR

.....Petitioner.

Versus

STATE OF HARYANA

.....Respondent

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Rajbir Singh, Advocate for the Petitioner.

Ms. Ramta Chowdhary, Assistant Advocate General, Punjab.

JASJIT SINGH BEDI, J. (ORAL)

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.532 dated 13.10.2022 registered under Sections 379, 411, 420, 467, 468, 471 of the IPC with Police Station City Jind, District Jind.

2. The brief facts of the case are that while the police party was on patrolling duty, secret information was received that at the Toyota Company Agency, Rohtak Road, Jind, two Baleno Cars of the same number i.e. UP-16-BS-4466 were standing. One of these cars had been stolen from Delhi. If a raid was conducted, both the cars could be recovered from the agency.

Based on the said information, the police party reached the agency and two Baleno cars of the same number were found standing. Video recording of the same was done through a mobile phone. The Manager

Mahesh Mathur (petitioner) stated that both the cars were on the name of his brother Titu son of Moti Lal. On checking the cars both the engine and chassis numbers were different. No documents were found in the car. It was found that one of the vehicles had been stolen from New Ashok Nagar, Delhi whose actual was No.DL-6CR-0640 and regarding the said theft, an FIR No.023900 dated 01.09.2022 was registered at Police Station New Ashok Nagar, New Delhi. Thus Mahesh Mathur (petitioner) had committed the offence in question.

3. The learned counsel for the petitioner contends that he has been falsely implicated in the present case. He was of the age of 32 years and a young working professional with no other case registered against him. He has been in custody since 13.10.2022, the report under Section 173(2) Cr.P.C. had already been submitted. None of the 12 prosecution witnesses had been examined and therefore, the Trial of the present case was not likely to be concluded anytime soon. In such a situation, the further incarceration of the petitioner was not required. Even otherwise, the case was triable by the court of a Magistrate.

4. The Counsel for the State on the other hand contends that the petitioner is the main accused. The nature of allegations against him do not entitle him to the grant of bail. He, however, does not dispute the period of custody undergone by the petitioner, the stage of Trial as also the fact that the petitioner is a first time offender.

5. I have heard learned Counsel for the parties at length.

6. Admittedly, the petitioner has been in custody since 13.10.2022. None of the 12 prosecution witnesses have been examined so far. The petitioner is a first time offender. The case is otherwise triable by

the court of a Magistrate. This Court in case bearing **CRM-M-24033-2021(O&M)** titled as **Maninder Sharma Vs. State Tax Officer, State, Mobile Wing, Jalandhar, Punjab** Decided on **31.08.2022** has held that where the case is triable by the Court of a Magistrate and there are no serious apprehensions of the accused absconding from justice or tampering with the evidence, he ought to be granted the concession of bail. In the present case, no such serious apprehensions have been expressed by the counsel for the State.

7. Keeping in view the aforementioned facts the further incarceration of the petitioner is not required.
8. Thus, without commenting on the merits of the case, the petitioner-Mahesh Mathur son of Motil Lal is ordered to be released on bail subject to the satisfaction of learned CJM/Duty Magistrate, concerned.
9. In addition, the petitioner (or any one on his behalf) shall prepare a FDR in the sum of Rs.1,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.
10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

10.01.2023
Jitesh

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