

CRM-M-10714-2024

216 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-10714-2024 (O&M)

Date of Decision: 06.03.2024

PARDEEP SINGH

...Petitioner

V/S

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. P.K. Chugh, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

HARPREET SINGH BRAR J. (Oral)

1. This is the first petition filed under Section 439 of Cr.P.C. seeking grant of regular bail to the petitioner in the case bearing FIR No. 253 dated 20.08.2023 registered under Sections 406, 420, 467, 468, 471 and 120-B of Indian Penal Code at Police Station Murthal Sonipat.

2. Present FIR was registered on the allegations that complainant was on visiting terms with one Mangat Ram and asked him to arrange a vehicle as he intended to purchase the same. Mangat Ram informed the complainant that he would take the help of his friend Parveen to arrange the vehicle. Thereafter, Mangat Ram has conspired with Parveen and delivered a Car to the complainant against a payment of Rs. 9,20,000/-. But the registration certificate of the said vehicle was not provided and Mangat Ram kept delaying the matter on one pretext or the other. The complainant came to know that the number plate as well as Chesis Number and Engine Number of the vehicle were fake. On 14.08.2023, when the complainant was returning from Panipat, a police official inquired from him about the ownership of the car and the complainant came to know that it is a stolen vehicle owned by one Dr. Kalpana Rani of NOIDA. Thereafter on further

verification, complainant came to know that Parveen and Mangat Ram had played a fraud upon him and sold the stolen vehicle.

3. Learned counsel for the petitioner *inter alia* contends that petitioner is not named in the FIR and he was nominated in the present case as accused on the basis of disclosure statement of co-accused, while in police custody, which has no evidentiary value in the eyes of law and similarly situated co-accused Milkeet Singh has been granted the concession of regular bail by the Court of learned Additional Sessions Judge, Sonipat vide order dated 06.01.2024 (Annexure P-1) and role of the petitioner is identical to that of Milkeet Singh as per the prosecution case and petitioner is behind the bars since 29.08.2023.

4. Per contra, learned State counsel opposed the prayer for grant of regular bail to the petitioner on the ground that he is a habitual offender and involved in 07 other cases and as such he is not entitled for grant of regular bail and produces the custody certificate.

5. Having heard the learned counsel for the parties and after perusing the custody certificate, it transpires that petitioner is on bail in all other cases and petitioner is behind the bars since 29.08.2023 and Investigating Agency has concluded the investigation and filed the final report under Section 173 Cr.P.C. before the concerned Court on 23.11.2023. Trial of the case has not made much progress and out of total 21 prosecution witnesses, none has been examined so far. So further incarceration of the petitioner without there being the prospect of the conclusion of the trial in the near future, would be violative of Article 21 of the Constitution of India. Culpability, if any, would be determined at the time of the trial.

6. In view of the ratio of law laid down by Hon’ble Supreme Court in *Prabhakar Tiwari Vs. State of UP and Anr.* 2020(1) RCR (Criminal) 831 and *Maulana Mohd. Amir Rashadi Vs. State of U.P. and Others* 2012(2) SCC 382, the involvement of accused in other criminal cases cannot be the sole ground to deny him the concession of bail.
7. Accordingly, the present petition is allowed. The petitioner-Pardeep Singh is ordered to be released on regular bail, subject to his furnishing bail bonds/surety bonds to the satisfaction of CJM/Duty Magistrate concerned.
8. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

06.03.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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