

CRM-M-11522-2024
Date of decision: 11.03.2024

PARVEEN

...PETITIONER

V/S

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Rao Ajender Singh, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG, Haryana.

HARPREET SINGH BRAR J. (ORAL)

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 (petitioner herein) to arrange the vehicle. Thereafter, Mangat Ram has conspired with Parveen (petitioner herein) 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 similarly situated co-accused namely Pardeep Singh was granted the concession of regular bail by this Court vide order dated 06.03.2024 in case bearing CRM-M No.10714 of 2024 and further submits that co-accused Milkeet Singh, who has sold the vehicle in question was granted the concession of regular bail by the Court of learned Additional Sessions Judge, Sonipat vide order dated 06.01.2024. All other co-accused are on bail except the present petitioner and he 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 02 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-Parveen 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.

March 11, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

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|------|---------------------------|--------|
| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |