

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

251

CRM-M-16520-2024 (O&M)
Date of Decision:- 30.04.2024

NARESH

Versus

...Petitioner(s)

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Munish Garg, Advocate for the petitioner.
Mr. Vishal Malik, DAG Haryana.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in the following case:-

FIR No.	Dated	Sections	Police Station
193	16.03.2021	379 IPC	Hisar Sadar, District Hisar

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the case and is in custody since 20.12.2023. He submits that after the completion of investigation, challan has already been presented in Court and the offence is triable by the Court of Magistrate. He thus prayed for grant of regular bail to the petitioner.

3. *Per contra*, learned State counsel has opposed the bail petition and submits that the petitioner is having many cases registered against him and is habitual of committing thefts, as such, he is not entitled to the concession of bail.

4. Heard.

5. After considering the respective submissions and perusing the record, it transpires that the petitioner was apprehended in the present case on 20.12.2023 on the allegation that the petitioner had committed theft of Mahendra Pickup vehicle bearing No.HR-39C-8662 loaded with iron plates, however, consequent upon his arrest, recovery of only ₹7,200/- had been effected from him.

6. Admittedly, challan has already been presented in the Court. No doubt, the petitioner is facing other cases of similar nature, but he is on bail therein. The conclusion of trial to ascertain the criminal liability, if any, of the petitioner in the present case, triable by the Court of Magistrate, will take sufficient long time and no purpose would be served by detaining the petitioner in custody any longer.

7. In these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.
9. Pending miscellaneous application(s), if any, stand disposed of.

(SANJIV BERRY)

JUDGE

30.04.2024

S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No