

226

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-20449-2024
Date of decision:-03.07.2024

NARESH

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Shalender Mohan, Advocate for the petitioner.

Mr. Surender Singh, AAG, Haryana.

SANJIV BERRY, J (ORAL)

Learned State counsel has filed reply by way of affidavit dated 08.05.2024 of Deputy Superintendent of Police, Detective, Hisar and custody certificate dated 02.07.2024. The same are taken on record, copy thereof, have been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
46	26.01.2024	379 IPC,	City Hisar, Haryana

3. It is *inter alia* contended by learned counsel for the petitioner



that the petitioner is innocent and has been falsely implicated in this case on the allegation of theft of diesel. He submits that the petitioner is in custody since 31.01.2024 and after completion of investigation challan has already been presented in Court. He submits that conclusion of trial will take sufficient long time, hence he prays for grant of concession of regular bail to the petitioner.

4. On the other hand learned State counsel opposed the bail application by arguing that the petitioner is a habitual offender and is involved in 46 other criminal cases as such he does not deserve concession of bail. However he has admitted that 11 cases are pending against the petitioner wherein he is on bail.

5. After considering the rival contentions and perusing the record, it transpires that the petitioner had been apprehended by the police on 31.01.2024 on the allegation of theft of diesel and after investigation, challan has already been presented in Court. Although the petitioner is stated to be involved in 46 criminal cases but during course of argument it is submitted that presently 11 cases are pending against the present petitioner wherein he is on bail. The conclusion of trial to ascertain criminal liability, if any, of the petitioner will take sufficient long time, and no purpose would be served by detaining the petitioner any longer in custody.

6. Resultantly, the present petition is allowed. The petitioner is ordered to be released on regular bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court 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.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

03.07.2024
Gyan

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