



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

220

CRM-M No.21300 of 2024
Date of Decision: 22.07.2024

Sabir Khan ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Nafees Ahmad Khan, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed under Section 439 of Cr.P.C. seeking regular bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
364	01.11.2023	HSIDC Barhi, District Sonipat	411, 420, 468, 471 and 473 of IPC

2. The facts in brief relevant for the purpose of disposal of this petition are that the aforementioned FIR was lodged on the allegations that on 01.11.2023, a secret information was received that one Canter driver was coming from Delhi side to G.T. Road, Gannaur Chowk via Service road and he had affixed a fake number plate of No.RJ14GK4126 on his Eicher Canter vehicle. It was also informed that if nakabandi is formed, he could be apprehended. Believing the secret information to be true, a raiding party was immediately formed which rushed towards the

2024:PHHC:092042



informed place, where the aforementioned vehicle was seen coming from Delhi side. This vehicle was got stopped. The petitioner who was driving the vehicle was asked to give the documents of ownership of the vehicle. On checking the Registration Certificate given by him, it was found that this vehicle was shown to be owned by one Deepak Joshi resident of Jaipur, Rajasthan. However, the engine number and chassis number as mentioned in the RC did not match with the actual chassis and engine number of the Eicher vehicle and on making further checking, it was found that original Registration Number of the said vehicle was HR39D9257 which was actually owned by one Ramehar son of Baldev resident of Hassangarh, District Hisar that had been stolen on 26.10.2023 qua which, an FIR bearing No.895 dated 27.10.2023 had been registered at Police Station Barwala. The vehicle along with the fake number plate had been taken into custody. After registration of FIR, investigation proceedings were initiated which have since been completed. The petitioner had moved applications for grant of regular bail which had been dismissed by the learned trial Court.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was a driver by profession and had been sent by the owner of the vehicle to ply this vehicle. The Registration Certificate given to him by the owner had been handed over by him to the police. He had never cross checked the Registration Number of the vehicle with the chassis number etc. The owner of the vehicle who had employed him as driver of this vehicle had not even been arrested and challaned. He is in custody since 01.11.2023. The trial is likely to take time. No useful

2024:PHHC:092042



purpose would be served by keeping him in custody any more. Therefore, it is argued that the petition deserves to be allowed.

4. Custody certificate has been filed by the respondent-State as per which, the petitioner had remained in custody for a period of 8 months and 18 days. Some other cases of commission of offence of theft had also been lodged against him. Learned State counsel has argued that the petitioner is a habitual offender. There are chances of his absconding or committing similar offences, if extended benefit of bail. The allegations against him are serious in nature as he had not only committed the theft of the abovementioned vehicle but also forged its number plate. It is, therefore, urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record.

6. The petitioner is alleged to be found in possession of a stolen vehicle and is further alleged to have forged the number plate of the said vehicle by affixing a number plate of fake number. The subject offences are triable by Magistrate. The petitioner is in custody since 01.11.2023. The trial is likely to take time. The person who had been named as registered owner of this vehicle has not been arrested and challaned. The respondent is silent as to what has happened to the said owner. Keeping in view the period of incarceration of the petitioner, the nature of the subject offences, the above discussed facts and circumstances and further in view of the settled proposition of law that bail is the rule and jail is an exception but without meaning to make any comment on the merits of the case, I allow this

2024:PHHC:092042



petition and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court and further subject to the condition that he shall disclose his present as well as permanent address before the learned trial Court at the time of furnishing of bonds and shall also give copy of his Aadhar Card, PAN Card if any and details of his mobile phone number to the learned trial Court and in case, any change in his address or mobile phone takes place, then he shall inform about the same to the learned trial Court during trial of the case.

7. In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with law.

22.07.2024
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(MANISHA BATRA)
JUDGE

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