

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M No.42565 of 2024
Reserved on: 04.11.2024
Pronounced on: 08.11.2024

Manoj @ Manoj Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Satbir Singh Kanwar, Advocate
for the petitioner.

Mr. Viney Phogat, DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
150	10.07.2022	Sadar Bahadurgarh, District Jhajjar	379, 411, 420, 467, 468, 34 IPC (471 and 120B IPC added later on)

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. Per paragraph 16 of the reply dated 14-10-2024, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	331	1994	Under section 379 IPC	Paschim Vihar, East Delhi
2.	497	1994	Under section 379 IPC	Paschim Vihar, East Delhi
3.	715	1998	Under section 379 IPC	Paschim Vihar, East Delhi
4.	920	2004	Under section 379 IPC	Paschim Vihar, East Delhi
5.	1112	2006	Under section 379 IPC	Paschim Vihar, East Delhi
6.	843	2002	Under section 379 IPC	Shalimar Bagh, Delhi
7.	278	2002	Under section 379 IPC	Shalimar Bagh, Delhi
8.	373	2004	Under section 379 IPC	Shalimar Bagh, Delhi
9.	854	2007	Under section 379 IPC	North Rohini, Delhi
10.	492	2005	Under sections 186, 353, 307, 467, 468, 471, 411 IPC and 25, 27 of Arms Act	Nangloi, Delhi
11.	1054	2002	Under section 379 IPC	Rajouri Garden, Delhi
12.	986	2002	Under sections 379, 411.	Rajouri Garden, Delhi

			34 IPC	
13.	784	2002	Under Sections 379, 411, 34 IPC	Rajouri Garden, Delhi
14.	988	2004	Under section 379 IPC	Rajouri Garden, Delhi
15.	122	2004	Under sections 379, 411, 468, 471 IPC	Kirti Nagar, Delhi
16.	527	2006	Under section 379 IPC	Kirti Nagar, Delhi
17.	527	2007	Under sections 379, 411 IPC	Kirti Nagar, Delhi
18.	30	2009	Under sections 382, 411 IPC	Greater Kailash, Delhi
19.	75	2009	Under sections 379, 411 IPC	Greater Kailash, Delhi
20.	12	2009	Under sections 379 IPC	Greater Kailash, Delhi
21.	266	2011	Under sections 411, 379 IPC	Vasant Vihar, Delhi
22.	67	2009	Under sections 382, 482, 411, 34 IPC	Defence Colony, Delhi
23.	97	2009	Under sections 382, 482, 411, 34 IPC	Defence Colony, Delhi
24.	56	2009	Under sections 382, 468, 471, 482, 411, 34 IPC	Defence Colony, Delhi
25.	765	2002	Under section 379 IPC	Lajpat Nagar, Delhi
26.	362	2009	Under section 379 IPC	Lajpat Nagar, Delhi
27.	252	2011	Under sections 382, 34 IPC	Sec-17, Dwarka Delhi
28.	66	2011	Under sections 394, 34 IPC	Chankya Puri, Delhi
29.	10	2003	Under sections 420, 467, 468, 471, 120B IPC	Sec 23 Dwarka
30.	308	2008	Under section 411 IPC	Alipur Delhi
31.	648	2006	Under sections 394, 34 IPC	Moti Nagar, Delhi
32.	19	2007	Under sections 392, 34 IPC	City Gurugram
33.	212	2004	Under section 420 IPC	Special Cell Delhi
34.	162	2009	Under sections 186, 353, 307, 34 IPC	Aman Vihar Delhi
35.	14480	2020	Under sections 379, 411, 482 IPC	Shalimar Bagh Delhi
36.	24187	2020	Under section 379 IPC	Tilak Nagar, Delhi
37.	275	2011	Under sections 186, 353, 307, 34 IPC	Crime Branch Delhi
38.	311	2021	Under sections 379, 120B, 411, 467, 468, 471 IPC	Sector-14, Panchkula
39.	60	2022	Under sections 379, 120-B 473, 411, 201 IPC	Mansa Devi Panchkula
40.	64	2022	Under sections 379, 120-B, 201 IPC	Dhakoli, Derabassi, Punjab
41.	81	2022	Under sections 379, 120-B, 201 IPC	Sector-20, Panchkula
42.	143	2022	Under sections 379, 120-B, 201 IPC	Sector-5, Panchkula
43.	159	2022	Under sections 379, 411	Derabassi, SAS Nagar

			IPC	
44.	251	2009	Under sections 379, 411, 467, 468, 471, 120-B, 34 IPC	Saket Delhi
45.	60	2004	Under section 25 Arms Act	Special Cell Delhi
46.	3	2012	Under section 411 IPC and 25 of Arms Act	Special Cell Delhi
47.	291	2011	Under sections 379, 34 IPC	Saket Delhi
48.	231	2008	Under section 379 IPC	C.R. Park Delhi
49.	331	2008	Under section 379 IPC	C.R. Park Delhi
50.	7	2004	Under sections 379, 34 IPC	Rajender Nagar Delhi
51.	184	2006	Under section 379 IPC	Rajender Nagar Delhi
52.	202	2006	Under sections 392, 34 IPC	Rajender Nagar Delhi

3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

"2. That the above/said case was got registered on the basis of complaint moved by complainant ASI Tejbir 1849/Rohtak. complainant narrated In complaint his 10/7/2022 on the ASI that Tejbir alongwith other police officials were present on Balaur Turn, Bye-Pass, Bahadurgarh in search of most wanted criminals. At that time informer informed that Manoj R/o Bakkarwala, Delhi (petitioner), Parkash R/o Badmer, Amit R/o Pinjour, Sanjay Seat Cover maker R/o Zirakpur used to steal the SUV vehicles from different cities and after changing their engine number and chassis number used to prepare forged registration certificate and sell the vehicles. Today also the said persons are going in Innova vehicle No. UP/24AR/9047 and Scorpio vehicle No.GJ/01HY/3319 from Delhi to Rohtak side t sell the stolen vehicles, if raided, then they can be apprehended with stolen vehicles. Thereafter police formed the barricading on Balaur Turn, Bahadurgarh Bye/Pass. sometime two vehicles, registration Scorpio After one Innova car bearing No.UP/24AR/9047 and the other Car bearing registration No.GJ/01HY/3319, were seen coming from Delhi side. ASI Tejbir gave hand signal to stop the vehicle and the driver stopped the Innova vehicle at some distance and the other driver stopped the vehicle at some distance and one person including the driver was sitting inside both the vehicles and ASI Tejbir asked the name of the driver sitting in the Innova vehicle and on inquiry the driver of Innova car told his name as Sanjay S/o Sumaru R/O D/398 JJ Colony, Village Bakkarwala, Delhi West and the other person sitting nearby him told his name as Manoj Kumar son of Narayan Singh R/o Bakkarwala, Delhi (petitioner) and on asking for the documents of Prakash Chand son of Mangalaram resident of Gadra Police station, Dhori Manna, District Barmer Rajasthan and the person sitting next to him told his name as Amit Kumar son of Satish. Resident No. 598/A/B1 Rathapur Colony, Pinjore District Panchkula. When ASI Tejbir asked the driver Parkash Chand to produce the documents of vehicle, he could not produce any documents. The RC, insurance and photo copy of the above car Innova and the bill of the other car

Innova and the car Innova number UP/24AR/9047 and the Scorpio Car no.GJ01/HY/3319 were taken into possession by the police and a case vide FIR No.150 dated 10/7/2022 U/s 379, 411, 420, 467, 468 IPC was registered at Police Station Sadar, Bahadurgarh and accused persons namely Manoj, Parkash Chand, Amit and Sanjay were arrested. The disclosure statement of the accused persons were recorded and as per their disclosure statement Section 471, 34 IPC was added in this case."

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and refers to the reply.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

"Reply on merits

1. That in reply to the contents of para No.1 of the petition it is submitted that the petitioner has not been falsely implicated in this case in any manner. Rather the petitioner alongwith co-accused was apprehended by police with a stolen car. The another stolen car was also apprehended by police on the spot on same day in which two co-accused were also travelling. During investigation it has been revealed that the petitioner alongwith co-accused used to theft the vehicles and thereafter by changing the engine number and chassis number of vehicle and by preparing forged documents used to sell the vehicle. The facts regarding granting bail to co-accused Sanjay, Amit and Parkash Chand is matter of record. However, it is submitted that the role of petitioner is more serious than the said co-accused and petitioner is not entitled for concession of bail in any manner. The evidence of prosecution could not been completed upto 31/10/2023, due to non appearance of some witnesses. However, prosecution is making sincere efforts to summon and examine the prosecution witnesses

2. That in reply to the contents of para No.2 of the petition it is submitted that the petitioner has not been falsely implicated in this case in any manner. Rather the petitioner was actively involved in the incident and there is sufficient evidence and record on case file to prove the offence committed by petitioner. Rest of the para regarding contents of the FIR is matter of record.

3. That in reply to the contents of para No.3 of the petition it is submitted that the petitioner alongwith co-accused has been apprehended with stolen vehicles. The petitioner is member of a gang who used to steal the vehicles and sell the same by preparing forged documents and changing the engine number and chassis number of the vehicles. The petitioner was actively involved in the incident and there is sufficient evidence and record on case file to prove the offence committed by petitioner."

7. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, Pre-trial incarceration should not be a replica of post-conviction sentencing. per paragraph 1 of the bail petition, the petitioner has been in custody since 10.07.2022. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with

the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability further pre-trial incarceration at this stage.

8. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

9. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

10. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

11. This order is subject to the petitioner's complying with the following terms.

12. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

13. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

14. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

15. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

08.11.2024
Sonia Puri

Whether speaking/reasoned:	Yes
Whether reportable:	No.