

SACHIN KUMAR

Versus

STATE OF HARYANA

.....Petitioner

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Vikas Kumar, Advocate for the petitioner.
Mr. Rajiv Sidhu, DAG, Haryana.

HARKESH MANUJA, J. (ORAL)

1. By way of this second petition filed under Section 439 Cr.P.C, prayer has been made for grant of regular bail in case FIR No.0413 dated 25.10.2022, under Section 379 of IPC (Section 201, 411 and 413 of IPC added later on), registered at Police Station Murthal, District Sonapat.
2. As per the allegations levelled against the petitioner, he along with his co-accused sold off stolen Canter No.HR67-C-6658 to one Rakesh.
3. Learned counsel for the petitioner submits that the petitioner has already suffered incarceration for a period of 1 year and 10 days and post investigation trial is likely to take time, thus, he prays for grant of regular bail.
4. On the other hand, learned State counsel has filed a status report by way of an affidavit of Gorakh Pal, HPS, Assistant Commissioner of Police, Ganaur, Sonipat, the same is taken on record. Learned State counsel opposes the prayer made on behalf of the petitioner while submitting that the petitioner is involved in 08 other cases of similar nature.

2024:PHHC:012265

5. I have heard learned counsel for the parties and gone through the paper-book. I find substance in the submissions made on behalf of the petitioner.
6. Besides the present FIR, though, there are eight other FIRs against the petitioner, but in those cases, he has already been granted the concession of bail. Though, this FIR has been registered under Sections 379, 411, 413 and 201 IPC, however, offence under Sections 379 and 411 IPC are punishable with sentence of three years, whereas, the petitioner has already suffered incarceration of 1 year and 10 days. Moreover, no charge under Section 413 of IPC has been framed even by the trial Court.
7. Considering the fact that the petitioner has already suffered incarceration for a period of 1 year and 10 days, the investigation in the present case already stands concluded with the filing of challan and charges are yet to be framed, thus, trial is likely to take some time, I do not find any reason to extend the incarceration of the petitioner any further.
8. In view of the above, without expressing any opinion on the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

30.01.2024

Tejwinder

(HARKESH MANUJA)

JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No

