

2024:PHHC:008465

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

227

CRM-M-55227-2023
Date of decision : 23.01.2024

Intzar Petitioner

versus

State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Nafeesh Ahmed, Advocate
for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

PANKAJ JAIN, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.192 dated 05.07.2016, registered for the offence punishable under Section 379 of IPC (Sections 392 and 34 of IPC added later on) at Police Station Sector 17/18 Gurugram.
2. FIR came into being on the information received from Kiranpal alleging that on 04.07.2016 while driver of his car Abu Bakar was on his way from Noida to Manesar, he parked car on road between Ghoda Chowk and Signature Tower and when came back, he found that the vehicle was missing. After registration of FIR, driver Abu Bakar suffered statement on 05.07.2016 claiming that the car was in fact snatched by two persons. One of whom was Intzar.
3. Petitioner was released on bail. However, bail was ordered to be cancelled vide order dated 20.03.2018 after the petitioner absented

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himself from the trial. The petitioner surrendered only on 13.01.2023 before initiation of proceedings under Section 82. Since then the petitioner is behind bars.

4. Counsel for the petitioner submits that now the custody of the petitioner is more than 01 year and thus would be entitled for bail. State Counsel on the other hand submits that keeping in view the conduct of the petitioner and the fact that he is habitual offender having more than 05 FIRs against him, would not be entitled for concession of regular bail.

5. I have heard counsel for the parties and have gone through the records of the case.

6. Keeping in view the incarceration suffered by the petitioner which by now is 01 year, 01 month and 16 days in the present case, the present petition is allowed. However, in order to balance the equities, the petitioner is ordered to be released on regular bail on heavy surety to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

7. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

23.01.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No