



CRM-M-53059-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
216 CRM-M-53059-2024
Date of decision: 7th November, 2024

Deepak Khanna

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. R.S. Gill, Advocate with
Mr. Jatin Bansal, Advocate for the petitioner.
Ms. Nidhi Garg, AAG, Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking regular bail in case bearing FIR No. 80 dated 09.02.2024 registered under Section 379 of IPC, 1860 (Sections 201, 120-B, 420, 471 and 411 of IPC added later on) at Police Station Sadar Thanesar, Kurukshetra.

2. Brief facts relevant for the purpose of disposal of the above petition are that the aforementioned FIR had been registered on the basis of complaint lodged by the complainant Aman Khurana on 09.02.2024 alleging therein that on 08.02.2024, he had bought a Scorpio vehicle and had parked it outside the house of his friend on the same night and then he had gone to Jaipur. In the next morning, his vehicle was found to be stolen by some unknown person. After registration of FIR, investigation proceedings were initiated. During investigation, the stolen vehicle was recovered from the



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custody of co-accused Gurmeet Singh. He was arrested on 22.02.2024. He suffered a disclosure statement and nominated the present petitioner and co-accused Bhupinder Singh who were also involved in theft of the abovesaid vehicle. It was also revealed that the petitioner was operating a gang and was engaged in the business of stealing vehicles in conspiracy with co-accused. They were selling the stolen vehicle by changing registration number, chassis number and engine number of the same. Even the number plate of the vehicle belonging to the complainant had also been changed. Some other stolen vehicles were recovered from the possession of the co-accused- Gurmeet Singh. Application for grant of regular bail as filed by the petitioner was dismissed by the Court of learned Additional Sessions Judge, Kurukshetra vide order dated 18.07.2024.

4. The present petition has been filed by the petitioner on the ground and it is argued by his counsel that he has been falsely implicated in this case. He is in custody since 05.03.2024. The subject offences are triable by Magistrate. The co-accused Bhupinder Singh and Gurmeet Singh @ Lalli have since been extended benefit of pre-arrest bail. On parity, he too deserves to be released on bail. Investigation has since been completed. The trial is likely to take time. His further detention would not serve any useful purpose. There are no chances of his absconding, if extended benefit of bail. Hence, it is urged that the petition deserves to be allowed.

5. *Per contra*, learned State counsel has argued that the petitioner in connivance with co-accused not only committed theft of the vehicle belonging to the complainant but also changed its number plate thereby



committing offences of forgery and cheating. Therefore, keeping in view the gravity of the allegations, he does not deserve to be released on bail.

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

7. The petitioner along with co-accused is alleged to have committed theft of the vehicle belonging to the complainant on the night of 08.02.2024 and is further alleged to have affixed a fake number plate on the same. He is in custody since 05.03.2024. Investigation has been completed. Challan has been presented. Trial is going on but is likely to take time. The offences for which the petitioner has been booked are triable by Magistrate. It is well settled proposition of law that the bail is the rule and jail is an exception. Keeping in view the period spent by the petitioner in custody, the nature of the allegations as levelled against him and the attendant facts and circumstances but without meaning to make any comment on the merits of the case, I am of the opinion that the petitioner deserves to be released on bail. Accordingly, the petition is allowed 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.

8. Since the main petition has been allowed, pending application, if any is rendered infructuous.

[MANISHA BATRA]
JUDGE

7th November, 2024
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |