

2024:PHHC:036691

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

226

CRM-M-63903-2023
Date of decision : 14.03.2024

Ramjit Singh Petitioner

versus

State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Ravinder Bangar, 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.135 dated 03.05.2012, registered for the offence punishable under Section 379 of IPC, 1860 (Sections 411, 420, 467, 468, 471, 473 and 120-B of IPC, 1860 added later on) at Police Station Sector-5, Panchkula, District Panchkula.
2. FIR was registered with respect to theft of Innova Car stated to have been parked by the complainant in front of the house of the petitioner. As per the prosecution, one Deepak was arrested in another FIR and while in police custody suffered disclosure where he admitted the present crime and also named the present petitioner as co-accused.
3. Counsel for the petitioner submits that apart from the said disclosure of co-accused, there is no other incriminating evidence

2024:PHHC:036691

against the petitioner and the said disclosure having been made in police custody would be hit by Sections 25 and 26 of the Evidence Act and alone would not be enough to drive home guilt against him.

4. Bail plea is opposed by the counsel for the State on the ground that the petitioner is a habitual offender and has multiple cases against him.

5. Confronted with the situation, counsel for the petitioner relies upon observation made by Supreme Court in '*Prabhakar Tiwari vs. State of U.P.*' reported as (2020) 1 RCR (Cri.) 831.

6. Keeping in view the incarceration already suffered by the petitioner, nature of allegation against him and nature of evidence, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds 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

14.03.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No