

**241 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M No.64955 of 2023 (O&M)
Date of decision : 08.01.2024**

Vinay @ Viny

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN*******

Present :- Mr. Kartar Singh Malik-I, Advocate for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

*********PANKAJ JAIN, J. (ORAL)**

1 This petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No.0315 dated 10.08.2023, registered for the offence punishable under Section 379 IPC at Police Station Khedki Daula, Gurugram District Gurugram, Haryana.

2 As per the FIR, it has been alleged as under :-

To SHO Sahib, Police Station Khedki Daula, Sector 83, Gurugram. Respected sir, it is submitted that I Dinesh son of Ranvir Singh is a resident of Kailash Colony, Sonipat and presently residing at Yadav PG, Plot No.92, Sector 1, IMT Manesar. I am working as a Technician in Maglain Company and also look after the mobile towers technically in Indus Towers Company. One mobile tower of above company, whose Indus ID is 1293222 and Site ID is 11272, which has been instated at Sector 82, Gainda Chowk, on 2/3 August, 2023 in the night, some unidentified person took 19 cell marked Amar Raja Birla Plus 1020 AH after breaking the main gate as well as shelter. Appropriate action be taken after lodging the case FIR. Sd/- Applicant Dinesh, Dinesh Mobile No. 9875993799.

3 Learned counsel for the petitioner submits that there is an inordinate delay of 7 days in getting the FIR registered which remains unexplained.

4 Petitioner is behind bars since 03.11.2023. Investigation already stands concluded. Challan stands presented.

5 The bail plea is being opposed by the learned State counsel on the ground that the petitioner is a habitual offender having 22 more cases pending against him.

6 Faced with this situation counsel for the petitioner relies upon *Prabhakar Tewari Vs. State of UP and Anr., 2020 (1) RCR (Criminal) 831* to submit that the involvement of the petitioner in other cases cannot be a ground to deny bail.

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

8 Without commenting on the merits of the case and considering the incarceration suffered by the petitioner, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

9 Needless to say anything recorded herein shall not be construed as an expression of opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

08.01.2024
Pooja sharma-I

Whether speaking/reasoned	Yes
Whether Reportable :	No