

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM No.M-21874 of 2015

Date of decision: 18.09.2015

Nitin Ahuja

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. R.S. Rai, Sr. Advocate with
Mr. Karan Pathak, Advocate for the petitioner.

Mr. Yashwinder Singh, DAG, Haryana
assisted by ASI Rashid Khan.

Mr. Alok Mittal, Advocate for respondent No.2.

Jitendra Chauhan, J. (Oral)

By filing the present 2nd petition under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in case FIR No.593, dated 07.11.2014, registered under Sections 420, 379, 408, 467, 468, 471, 120-B IPC and Section 72 of Information Technology Act, at Police Station Sadar, District Palwal.

It is contended that the petitioner is in custody since 07.11.2014. The charges were framed in the month of February, 2015. Thereafter, out of 16 witnesses, only three have been examined. He further states that the alleged data was created by the petitioner himself. It is a magisterial trial, therefore, the present bail

application deserves to be allowed.

On the other hand, the learned State counsel and learned counsel for respondent No.2 oppose the prayer and state that the earlier bail application of the petitioner was declined by this Court by passing a detailed order. There is no fresh circumstance to allow the present petition.

I have heard learned counsel for the parties and perused the record.

The creation of data and its subsequent stealing by the petitioner would be a moot point to be decided during the course of trial by the trial Court. Keeping in view the fact that it is a magisterial trial; the incarceration period and the fact that out of total 16 witnesses, only three have been examined so far, therefore, it can be safely inferred that the trial is not likely to be concluded in the near future, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on his furnishing bail bonds and surety bonds, to the satisfaction of the trial Court.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

18.09.2015

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(JITENDRA CHAUHAN)
JUDGE