

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

CRM No.M-31441 of 2015

Date of decision: 21.09.2015

Nagesh @ Bunty and others

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: None for the petitioners.

Mr. Arun Luthra, AAG, Haryana
assisted by HC Sohan Lal.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 439 of the Code of Criminal Procedure, the petitioners have sought regular bail in case FIR No.262, dated 18.06.2015, registered under Section 379 of the Indian Penal Code (for short 'IPC'), at Police Station Meham, Rohtak.

Perused.

As per the averments made, the petitioners were not found in possession of the alleged motorcycle nor they were arrested from the spot. There is no witness or evidence to connect the petitioners with the alleged offence. The petitioners is in custody since 03.08.2015. As the investigation is complete and the challan

has been presented, therefore, their custodial interrogation is not required.

On the other hand, the learned State counsel opposes the prayer of bail and states that petitioners are habitual offenders and are involved in another FIR registered under Section 379 IPC. The challan stands presented; charges have been framed, however, no witness has been examined so far.

Keeping in view the fact that the petitioners were not arrested from the spot and though the trial Court has been directed to complete the trial within four months, however that will not be an embargo that the petitioners cannot be released on bail. The challan stands presented; out of total 08 witnesses, none has 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 petitioners be admitted to bail during the pendency of the trial, on their 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.

21.09.2015

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(JITENDRA CHAUHAN)
JUDGE