

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

**Criminal Misc.No.M-39999 of 2015
Date of Decision: December 03, 2015**

Sunil alias Bhundu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.Balraj Gujjar, Advocate,
for the petitioner.

Mr.Pawan Gaur, DAG, Haryana.

Naresh Kumar Sanghi, J.(Oral)

Prayer in this petition, filed under Section 439, Cr.P.C., is for grant of regular bail to the petitioner, Sunil alias Bhundu, who has been booked for having committed the offences punishable under Sections 380 read with Section 511 and 457, IPC, in a case arising out of FIR No.493, dated 22.10.2015, registered at Police Station, Meham, District Rohtak.

Learned counsel contends that even if the whole case of the prosecution is taken at its face value then also it was an attempt for committing the theft by the petitioner and as such, the ingredients of Section 457, IPC, would not be attracted in the present case. He further points out that the offences punishable under Sections 380 read with Section 511 and 457, IPC, are triable

by learned Judicial Magistrate First Class; the petitioner is behind the bars from 22.10.2015; despite his incarceration for more than one month and fifteen days, the investigation of the case is not complete and since no recovery is to be effected from the petitioner and his custodial interrogation is complete, therefore, his further incarceration would not be of any consequence.

Learned counsel for the State very fairly conceded that it was a case of attempt to commit theft. However, he has opposed the grant of bail to the petitioner on the premise that he was involved in four more such like cases.

After hearing learned counsel for the parties, the present petition is allowed. Petitioner-Sunil alias Bhundu, s/o Rambhaj, r/o Birjwasi Colony, Bhiwani, Tehsil and District Bhiwani, presently confined in District Jail, Rohtak, is directed to be released on bail during pendency of trial of the present case subject to his furnishing bond in the sum of ₹75,000/- (Rupees seventy five thousand only) with two sureties in the like amount to the satisfaction of learned Area Judicial Magistrate/Duty Magistrate, Rohtak. In case the petitioner would repeat the offence then it would be open for the prosecution to move an application for withdrawal of the present concession granted to him.

December 03, 2015
seema

(Naresh Kumar Sanghi)
Judge

