

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

**CRM-M No.11199 of 2016 (O&M)
Date of Decision: 27.04.2016**

Rajesh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

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

Mr. Neeraj Poswal, Assistant Advocate General, Haryana
for the respondent/State assisted by S.I. Neeraj Kumar.

JASWANT SINGH, J. (Oral)

Present petition is for grant of regular bail under Section 439 Cr.P.C. to the petitioner-Rajesh in case FIR No.395 dated 26.09.2015, under Sections 380 and 457 of the Indian Penal Code, registered with Police Station City Gohana, District Sonapat (**Annexure P-1**).

As per the allegations, on the intervening night of 25/26.09.2015, the petitioner/accused-Rajesh along with his co-accused/non-applicant-Vinay are alleged to have removed the ATM Machine of Punjab National Bank, installed near Anaj Mandi, Gohana. A sum of Rs.2,32,500/- were stored in the machine at the time of the said theft. The names of both the accused have surfaced on their disclosure statements while being interrogated in another FIR No.711 of 2015, lodged with the similar allegations.

It is contended that the case is triable by a Magistrate and the petitioner is in custody since 29.12.2015 and after framing of the charge, evidence of 17 cited prosecution witnesses is yet to commence.

Learned State Counsel, assisted by S.I. Neeraj Kumar, is unable to refute the custody period and the stage of the trial. He, however, states that the petitioner/accused is involved in three other cases of similar nature, wherein he has been released on bail.

Without commenting on the merits of the case, keeping in view the custody period, the fact that case is triable by a Magistrate and trial is not likely to be concluded in near future, this Court finds that petitioner/accused deserves the concession of regular bail and as such he is ordered to be released on regular bail subject to the satisfaction of CJM/Duty Magistrate concerned.

Disposed of.

April 27, 2016
Gagan

(JASWANT SINGH)
JUDGE