

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

CRM-M-14670 of 2016 (O&M)
Date of decision : 13.07.2016

Ajay Kumar @ Lucky

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Ms. Garima Sharma, Advocate and
Mr. Lalit Pradhan, Advocate for the petitioner.

Mr. Naveen Kaushik, Addl. A.G., Haryana

JITENDRA CHAUHAN, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure (for short, 'the Cr.P.C.') seeking regular bail in case FIR No.76 dated 27.02.2015, registered under Section 136 of the Electricity Act (for short, 'the Act') at Police Station Pundri, District Kaithal.

The learned counsel for the petitioner states that the petitioner was not arrested from the spot. He was taken into custody on 24.08.2015, from his house. Prior to the arrest in the present FIR, he was not involved in any other FIR. After his arrest, he has been roped in as many as 81 FIRs. Allegedly, 22.5 kgs. of copper wire was recovered from his house in FIR No.245 dated 25.07.2015

On the other hand, the learned State counsel submits that on secret information house of the petitioner was raided and 22.5 Kgs. of

copper wire was recovered from there. The learned State counsel fairly concedes that there was no FIR against the petitioner prior to 24.08.2015 and the alleged recovery is effected in FIR No.245 dated 25.07.2015, wherein the petitioner has already been admitted to bail. The learned State counsel has not been able to explain as to how in 81 thefts, the police could not arrest the petitioner. There is no evidence on record with regard to the ownership of the recovered copper wire. Even there is no document with regard to purchase of the alleged copper wire by any of the complainants. Lastly, he submits that the challan stands presented.

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

The petitioner is in custody since 24.08.2015 and the trial is not likely to be concluded in the near future. Therefore, no purpose would be served in keeping the petitioner behind the bars, without advertent to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail, on his furnishing bail bonds/surety bonds, to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, concerned.

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

13.7.2016

ashok

ASHOK KUMAR
2016.07.13 18:03
I attest to the authenticity and
accuracy of this document

(JITENDRA CHAUHAN)
JUDGE