

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

CRM-M-24597 of 2016 (O&M)
Date of decision : 27.07.2016

Sandeep Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Chand Ram Olla, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana
assisted by SI Kashmir Singh.

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.29 dated 29.01.2016, registered under Sections 379/420 of the Indian Penal Code (for short 'IPC'), at Police Station City, Tohana, District Fatehabad.

The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. In the FIR, two persons have been stated to be present on the spot, whereas in the statement recorded under Section 161 Cr.P.C., it has come that only the petitioner was present there. He states that the petitioner is in custody since 10.04.2016.

There is delay in lodging the FIR. Subsequent to the present FIR, the

petitioner has been roped in another FIR.

On the other hand, the learned State counsel, on instructions, submits that petitioner allegedly changed the ATM card of the complainant and withdrew Rs.18,500/- and an amount of Rs.1,000/- recovered from him. He states that challan has been presented and out of 6 prosecution witnesses, none has been examined so far.

Heard.

Keeping in view the facts that petitioner is in custody since 10.04.2016; challan stands presented; there is delay in lodging the FIR; and none of the witnesses has been examined so far, no useful purpose would be achieved in keeping the petitioner behind the bars.

In view of above, 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/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.

27.07.2016

ashok

**(JITENDRA CHAUHAN)
JUDGE**

Whether speaking/reasoned:

Yes / No

Whether reportable:

Yes / No