

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Crl. Misc. No. M-30493 of 2016

Date of Decision:05.09.2016

Rajesh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr.Deepak Vashishth, Advocate for the petitioner.

Mr.Manish Bansal, DAG, Haryana.

HARI PAL VERMA J.(Oral)

Prayer made in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.194, dated 12.05.2016 for offence under Section 379-A and 34 IPC, registered at Police Station, DLF Phase-II, Gurgaon (Annexure P-1).

Learned counsel for the petitioner contends that the petitioner is in custody since 12.05.2016 and the allegation against him is that an amount of Rs.220/- was recovered from his possession. He further submits that no identification was conducted even the recovery of money was not made in the presence of independent witness. He also submits that trial in the case will take sufficient long time to conclude, as the evidence of prosecution have not yet been started.

Learned counsel for the State on instructions from ASI-Deepak, submits that the complainant is a security guard and while he was on his way to house, the petitioner along with three other co-accused have committed crime and his mobile phone as well as Rs.1200/- were taken from his possession. He further submits that on the disclosure statement of the

petitioner, two other co-accused have been identified and from one of the co-accused, the stolen mobile phone was recovered.

I have heard learned counsel for the parties.

There is no dispute that the FIR in question was registered on 12.05.2016 and since then the petitioner is in custody. Moreover, trial in the case will take sufficient long time to conclude, as the prosecution evidence has not yet been started. It has come in the investigation that an amount of Rs.220/- was recovered from the possession of the petitioner, but the fact remains as to whether it is the same money which was taken from the complainant by the accused at the time of the alleged occurrence, is yet to be established during the course of trial.

Considering the fact that petitioner is in custody since 12.05.2016 and trial in the case will take sufficient long time to conclude, I deem it appropriate to allow the present petition for grant of regular bail.

Accordingly, the present petition is accepted and the petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of the trial Court.

It is made clear that expression made here-in-above shall not be construed as an expression on the merits of the case and the trial Court shall be at liberty to decide the case on the basis of available evidence.

(HARI PAL VERMA)
JUDGE

05.09.2016
Anjal

Whether speaking/reasoned? Yes/No

Whether reportable? Yes/No