

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-33119 of 2016

Date of Decision: 18.10.2016

Santosh @ Santu

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Deepa Jain, Advocate
for the petitioner.

Mr. Vishal Garg, Addl.A.G., Haryana.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.318 dated 27.5.2016 under Sections 457, 411, 380 IPC registered at Police Station Sarai Khuwaja, Tehsil and District Faridabad.

Learned counsel for the petitioner contends that the petitioner is in custody since 13.6.2016 and no other case is pending against him except the present one. He submits that the allegation against the petitioner is that he committed theft of 14 statutes of brass/copper. He further submits that in the instant case, challan has been presented against the petitioner and since trial will take long time, he be released on bail.

On the other hand, learned State counsel, on instructions from ASI Narender Singh, submits that 12 articles of brass/copper have been recovered on the basis of disclosure statement made by the petitioner and the total value of these articles has been assessed at about Rs.40,000/-. Thus, the petitioner is guilty of committing theft. However, he does not dispute the fact that the petitioner is in custody since 13.6.2016.

I have heard learned counsel for the parties.

Considering the fact that the petitioner is in custody since 13.6.2016 and there is no other case pending against him, coupled with the fact that challan has been presented and the trial in the case will take sufficiently long time, as prosecution evidence is yet to start, I deem it appropriate to release the petitioner on regular bail. Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to furnishing of his bail bonds/surety bonds to the satisfaction of the trial Court.

It is made clear that observations made hereinabove shall not be construed as any expression on the merits of the case.

October 18, 2016
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?
Whether reportable?

Yes / No
Yes / No