

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

CRM No.M-38488 of 2015 (O&M)

Date of Decision: 12.01.2016

Surender @ Pony

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Sanjiv Sheoran, Advocate for the petitioner.
Mr. Anmol Malik, AAG, Haryana.

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TEJINDER SINGH DHINDSA.J.

Petitioner seeks the benefit of regular bail pending trial in case FIR No.1 dated 01.01.2015, under Sections 395/397/412 IPC and Sections 25/54/59 of the Arms Act, registered at Police Station Sadar Sonapat.

Counsel for the parties have been heard at length.

FIR was registered on the statement of Joginder Kumar, who had been engaged as a Security Guard with State Bank of India, Branch Lehra. Incident is stated to be of the intervening night of 31/01.01.2015. Complainant is stated that at about 2 AM, three young boys had stepped inside the ATM booth and made an attempt to dismantle the ATM. Complainant's version is that these boys had taken away the mobile phone lying on a stool but there was no money taken from the ATM machine.

The present petition has been opposed by the learned State counsel by stating that on the disclosure statement made by the present petitioner, one motorcycle and one mobile phone make nokia had been got recovered. Furthermore, it has been submitted that during the course of trial, the complainant had even identified the present petitioner.

The petitioner has been in custody since 03.01.2015. The trial

would take time to conclude. The petitioner is not stated to be involved in any other criminal proceedings.

In an overview of the matter and keeping in view the length of incarceration already suffered by him, the petitioner is held entitled to the benefit of bail.

Petition is allowed. Petitioner be enlarged on bail subject to the satisfaction of CJM/Duty Magistrate, Sonapat.

Disposed of.

12.01.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**