IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-2571 of 2017
Date of decision : February 23, 2017

Satish ....Petitioner

versus

State of Haryana ....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Sarfraj Hussain, Advocate, for the petitioner
Mr. Munish Sharma, AAG, Haryana, for the respondent

Fateh Deep Singh, J. (Oral)

The allegations against petitioner Satish in this regular bail application under section 439 Cr.P.C. are that a theft had taken place on 5.12.2016 at the premises of shop of complainant Rajesh being run under the name and style of Natraj Communication Studio from where mobile phones were stolen.

The allegations against petitioner are that 10 mobile phones were got recovered from his possession on the basis of disclosure statement of co-accused.

The contentions of counsel for the petitioner are that there is not an iota of evidence to connect the petitioner especially for offences under sections 457, 380, 420, 46,7,468,471, 427, 120-B IPC and at the most only offence under section 411 IPC could be foisted for being found in possession of stolen articles. Though the bail is sought to be opposed by the learned State counsel but with all fairness has conceded that there is lack

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of evidence for these offences so slapped on the petitioner. The petitioner is in custody since 2.1.2017.

Keeping in view the period of incarceration and the fact that the trial is not likely to be concluded in near future, without adverting to the merits of the case, the instant application is allowed. Bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Panipat.

The present petition stands disposed off accordingly.

(Fateh Deep Singh)
Judge

February 23, 2017
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Whether speaking/reasoned ? *Yes/No*
Whether Reportable ? *Yes/No*

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