

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

CRM-M-671-2017 (O&M)
Date of decision: 02.03.2017

DHARAM RAJ @ MONU

...Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present : Mr. Sarbjit Singh, Advocate
for the petitioner (s).

Mr. R.S. Nain, AAG, Punjab

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in FIR No.122 dated 08.11.2016, registered under Section 379-B of the Indian Penal Code (for short 'the IPC'), at Police Station Maqboolpura, Distt. Amritsar.

Contents that the petitioner was allowed interim bail vide order dated 25.01.2017 to solemnize his marriage. Thereafter, the petitioner surrendered to the jurisdiction of the Court. The petitioner did not misuse the concession of bail and he is not involved in any other FIR. It is a case of mistaken identity. Petitioner, who was going to the marriage party for setting up his eating point, *bona fide* believed that the complainant is also going to the same marriage and in the process he just put his hand on

complainant's back and did not steal the mobile phone. The petitioner is in custody since 08.11.2016.

Custody certificate has been filed in the Court, same is taken on record.

On the other hand, the learned State counsel vehemently opposes the present petition and states that challan has not been filed so far.

Heard.

Considering the fact that the petitioner is not involved in any other FIR; he did not misuse the concession of bail; he is in custody since 08.11.2016; and challan has not been presented so far, trial is likely to take a long time, therefore, no purpose would be served in keeping the petitioner behind the bars, 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 and surety bonds, to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

02.03.2017

ashok

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned: Yes / No

Whether reportable: Yes / No