

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

216

CRM-M-2189-2019 (O&M)
Date of Decision : 21.2.2019

Kuldeep and another

...Petitioners

vs.

State of Haryana

....Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. K.S.Dhaliwal, Advocate and
Mr. Mohit Aneja, Advocate
for the petitioners.

Dr. Sushil Gautam, DAG, Haryana.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 439 Cr.P.C for grant of regular bail to the petitioners in case FIR No.445 dated 18.12.2016 registered under Sections 457, 380 IPC at police station K.U.K., District Kurukshetra.

Mr. Subhash Chander, Deputy Superintendent, District Prison (Kurukshetra)-Haryana is present and has informed the Court that the mistakes which have appeared in the custody certificate are because of the software and learned DAG has stated that this issue has been addressed and the software is being modifying. The explanation given is accepted.

Custody certificate dated 20.2.2019 by way of affidavit of Mr. Subhash Chander, Deputy Superintendent, District Prison (Kurukshetra)-Haryana has been filed on behalf of the respondent-State, the same is taken

on record. Copy has been supplied to the opposite counsel. As per the custody certificate it transpires that actually the petitioners have not undergone any custody in the present case because this custody period was treated to be undergone sentence in some other cases.

Learned counsel for the petitioners has however argued that even if there is no custody in the present case yet the fact is that as per the FIR some persons had broken into the shop of the complainant and had stolen pesticides. No evidence has been gathered by the police up till date which would connect the petitioner with the crime.

Learned DAG has stated that there was recovery of Rs. 1000/- and Rs.1200/- respectively from the petitioners.

In the circumstances, without commenting on the merits of the case, keeping in view the above facts, I deem it appropriate to grant regular bail to the petitioners. Ordered accordingly, Bail to the satisfaction of the concerned Trial Court/Duty Magistrate.

Petition stands allowed.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

21.2.2019
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No