

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc.-M-8633 of 2019
Date of Decision: March 12, 2019.

Naveen Kumar

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU.

Present: Mr.Kunal Dawar, Advocate, for the petitioner.

Mr.Yashwinder Singh, DAG, Haryana.

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Mahabir Singh Sindhu, J. (Oral)

The present petition under Section 439 Cr.P.C. has been filed praying for grant of concession of regular bail pending trial to the petitioner in case FIR No.126 dated 08.03.2018 registered under Sections 379 and 420 IPC and (Section 201 IPC added later) at Police Station Palam Vihar, Gurugram.

As per the allegations of the complainant, she is studying in Computer Web Designing and on 28.12.2017 when she came to meet her friends Naveen Kumar @ Lala (present petitioner) and Karan Gogia, then Naveen Kumar made her to drink beer and some intoxicant was mixed with the same. On account of consuming the intoxicant, she lost her senses and accused Naveen Kumar mis-used her ATM Card as well as two cheques and withdrew the cash from the Bank account. It is further alleged that total amount of Rs.3.50 lacs has been withdrawn and thus she has been cheated and petitioner committed theft.

It is contended by learned counsel for the petitioner that petitioner is in custody since 11.11.2018 and report under Section 173

Cr.P.C. has already been submitted whereas charges are yet to be framed. Also contends that there is huge delay in lodging the FIR as the occurrence is alleged to have taken place on 28.12.2017 and the present FIR was registered on 08.03.2018.

The above factual position is not disputed by the learned State counsel, rather the same has been duly acknowledged on instructions from ASI Ashok Kumar but he opposed the bail application.

Heard both sides and perused the paper book.

Since there is a considerable delay of approximately 69 days in lodging the FIR and investigation has already been over, more so when there is no other criminal case pending against the petitioner and trial will take a long time, therefore, no useful purpose will be served to keep the petitioner behind the bars.

In view of the above-said circumstances, without expressing any opinion on the merits of the case, this petition is accepted and the petitioner Naveen Kumar son of Rajender Kumar be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of the learned trial Court.

March 12, 2019

mohinder

(MAHABIR SINGH SINDHU)

JUDGE

Whether speaking/reasoned

:

Yes/No

Whether Reportable

:

Yes/No