

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

**CRM-M No.14107 of 2019 (O&M)
Date of Decision: 02.04.2019**

Narender Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Rajat Mor, Advocate for the petitioner.

Mr. Rahul Mohan, Deputy Advocate General, Haryana
for the respondent/State.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of bail pending trial to the petitioner in case FIR No.64 dated 05.10.2018 (**P-1**), under Sections 328 and 379 of the Indian Penal Code, 1860, registered at Police Station GRP, Bahadurgarh, District Jhajjar.

The case of the prosecution is that on 04.10.2018 at about 09:00 PM, when complainant-Radhey Sham boarded a train from Sri Ganga Nagar to Agra, a boy (petitioner) also entered to *bogie* and persistently offered tea and fruits to the complainant, but he refused to take the same. During journey, on the next day i.e. 05.10.2018, when the train started from Rohtak, then said boy again offered tea to the complainant and this time, on

his request, he consumed only two sips of the tea and due to that, he felt drowsiness. The boy (petitioner) took out his purse and decamped along with 25 currency notes of ₹ 2000/- and 16 currency notes of ₹ 500/- as well as Aadhaar Card, PAN Card, Railway ticket etc. Complainant remained in an intoxicated condition and strolled down at Bahadurgarh.

Contends that petitioner has been falsely implicated in the present case as he has never boarded the said train; no recovery has been effected from him and police arrested him on the basis of suspicion. Further contends that petitioner is in custody since 06.10.2018 and charges were framed on 16.01.2019. Also contends that there are total 08 prosecution witnesses and out of them, only 02 have been examined. Further contends that petitioner is not involved in any other case.

The above factual position is duly acknowledged by learned State Counsel, on instructions from the police official present in the Court.

Heard both sides and perused the paper-book.

Keeping in view the facts that investigation is already over; petitioner is in custody since 06.10.2018; there are total 08 prosecution witnesses and out of them, only 02 have been examined, thus, trial is likely to take a long time for its conclusion, therefore, no purpose would be served by keeping the petitioner behind the bars any more. Consequently, this Court is left with no option except to release the petitioner on bail forthwith. Therefore, without expressing any opinion on the merits of the case, the present petition is allowed. Petitioner be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/Duty

Magistrate concerned.

The above observations may not be construed as an expression of opinion on the merits of the case.

April 02, 2019
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes