

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

CRM-M No.25210 of 2019 (O&M)
DATE OF DECISION : 30th OCTOBER, 2019

Nand Kishore alias Nandu

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

* * * *

Present : Mr.Raj Kapoor Malik, Advocate for the petitioner.

Mr. M. D. Sharma, Assistant Advocate General, Haryana.

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RAJBIR SEHRAWAT, J. (Oral)

The present second petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of bail pending trial in case FIR No.0235 dated 06.12.2018 registered under Sections 395 & 397 IPC (Sections 412 & 109 and Sections 25 & 54 of the Arms Act, 1959 have been added later on) at Police Station Sadar Kaithal, District Kaithal.

It is contended by counsel for the petitioner that the case against the petitioner is totally concocted. Otherwise the petitioner is not at all connected with any crime, as alleged. Still further it is submitted that even the alleged snatched paddy has been found stacked at a place which belongs to Government only. It is not even allegation that the petitioner has disposed of any part of the snatched paddy. Still further it is submitted that the petitioner is in custody since 18.12.2018. The challan has already been presented against the petitioner. Therefore the petitioner is not required for any investigation purposes. Hence, the petitioner deserves to be released on bail.

On the other hand, counsel for the State being instructed by SI Satyawar, submits that the petitioner is directly involved in the incident. The mobile phone of the driver working on the snatched truck have been recovered from the petitioner. It is further submitted that the petitioner is involved in three more cases. However, it is not disputed that the entire material, allegedly snatched by the petitioner and the co-accused, already stands recovered. It is also not disputed that the alleged snatched paddy was found in the premises belonging to HAFED, which is a government undertaking.

As response to the arguments of the counsel for the State, the counsel for the petitioner submits that in the other cases, referred to by the counsel for the State, the petitioner has already been released on bail. As of today, the petitioner is not in custody in any other case, except the present one. It is further submitted that by any means, as of today, everything stands recovered in the case by the police and the trial is likely to take time to conclude.

In view the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

30TH OCTOBER, 2019
'raj'

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>