

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

CRM-M No. 26275 of 2019

Date of Decision:-17.07.2019

Ajay @ Monu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Rajesh Hooda, Advocate
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ J.(Oral)

Petitioner Ajay @ Monu has filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.295 dated 28.6.2018, under Sections 457 and 380 IPC, registered at Police Station Urban Estate, District Rohtak.

The FIR was registered on the statement of complainant Pradip s/o Pawan Kumar, which is reproduced hereunder :-

To, The SHO, Police Station Urban Estate, Rohtak, Haryana. Sir, I Pradip son of Shri Pawan Kumar caste Goldsmith is resident of H.No.B/8/52, Adersh Colony, Canal Road, Sujanpur, District Pathankot, Punjab, presently resident of H.No.888, Sector-1, Rohtak (9888722085) and I am working in

AGS Transfer Technologies Ltd. as a Field Executive and I look after the area of District Rohtak and Jind. Today on 28.6.18 at noon at around 11.00 am, Custodian Sunil Kumar telephoned me and told that in the market of Sector 2, the ATM of SBI Bank has been stolen. Its ATM ID is BHNFF000706042. On receiving the information, I reached the spot and found that ATM machine was stolen. When it was checked online, it was found that the ATM swich cash balance was Rs. Twenty nine lac twenty thousand and three hundred (2920300). The last TXN of ATM machine was on 27.6.18 at 10:27 pm. The ATM machine has been stolen in the night by unknown persons. Kindly take legal action against the unknown persons.....”

Learned counsel for the petitioner contends that the petitioner was not named in the FIR and was indicted on the basis of disclosure statement suffered by co-accused Rohit. It is submitted that the said accused Rohit was granted bail vide order dated 27.12.2018 by the trial Court itself. It is further pointed out that investigation of the case is complete and final report stands submitted before the Court and the charges were framed on 27.7.2018.

On the other hand, learned State counsel, who is assisted by SI Yogender Singh opposed the prayer on the ground that the petitioner is also involved in other similar case. However, it is not disputed that co-accused Rohit has already stands released on bail by the trial Court.

At this stage, learned counsel for the petitioner submits that in the other case also, the indictment of the petitioner is on the basis of

statement of co-accused, wherein the concession of bail is extended by the petitioner by the Court.

Learned State counsel is unable to controvert it.

Considering the above and the fact that the offences are triable by Magistrate as well as the fact that the trial is likely to consume some time, further detention of the petitioner may not be justified, therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing the requisite bail bonds and surety bonds to the satisfaction of the trial Court.

The petition is allowed.

July 17, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No