

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

105

CRM-M-12183-2020
Date of decision : 10.06.2020

Satish @ Sarpanch

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. S.S. Dinarpur, Advocate
for the petitioner.

Mr. Kuldeep Tiwari, Addl. A.G., Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

The case has been taken up for hearing through video-conferencing.

The petitioner has filed present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to him in case FIR No.267 dated 16.06.2003 registered under Sections 457 and 380 of the Indian Penal Code, 1860 at Police Station City Kaithal, District Kaithal.

The above-said FIR was lodged on statement of Mahinder Singh alleging that he is running a wholesale shop of tea leaves in Palika Bazar, Kaithal. On 15.06.2013 he locked his shop in the evening. On the next day at about 8:30 a.m. when he came to his shop, he found the shutter of his shop in broken condition and when he checked his shop, he found 14 bags of tea weighing 34 kgs each and 8 bags of tea leaves weighing 30 kgs each were missing. During investigation the

petitioner was arrested and recovery of four bags were made from his possession. The petitioner was granted bail but absented during trial on which he was declared proclaimed offender vide order dated 04.10.2010.

The petitioner being in custody since his re-arrest on 01.03.2020 has filed the present petition for grant of regular bail.

The petition has been opposed by the State in terms of reply by way of affidavit of Baljinder Singh, HPS, Deputy Superintendent of Police, Kaithal received through e-mail which is taken on record.

I have heard learned Counsel for the petitioner and learned State Counsel and gone through the relevant record.

Learned Counsel for the petitioner has argued that the petitioner has been falsely implicated in the case. The petitioner was under the impression that he, like his co-accused, had been released after conviction on confession and sentencing to period undergone. The trial is likely to take long time. The petitioner has been in custody in the present case for total period of more than one year. No useful purpose will be served by detention of the petitioner in custody during trial. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State Counsel has argued that the petitioner is habitual offender and misused the concession of bail. The petitioner does not deserve the concession of regular bail. Therefore, the petition may be dismissed.

Keeping in view the facts and circumstances of the case, nature of accusation and evidence against the petitioner and the fact

that trial is likely to take long time due to restrictions imposed to prevent spread of Covid-19 but without commenting on the merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of bail bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

However, the petitioner is granted regular bail subject to the condition that he shall not commit any similar offence and in case of commission of similar offence by him in future his bail in the present case shall also be liable to be cancelled on application to be filed in this regard.

10.06.2020

Kothiyal

**(ARUN KUMAR TYAGI)
JUDGE**

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No