

218 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-51026-2019
Date of decision-10.01.2020

Dharambir @ Gatua

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Veenus Malik, Advocate for
Mr. Ravinder Bangar, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

MANOJ BAJAJ, J.

Petitioner-Dharambir @ Gatua has prayed for grant of regular bail under Section 439 Cr.P.C in case FIR No.0133 dated 10.08.2018 registered under Section 136 of Indian Electricity Act (2003) registered at Police Station Jhansa, Kurukshetra. The petitioner is in custody since his arrest on 29.09.2018.

The FIR was lodged on the complainant registered with Sub Divisional Officer, Ismailabad wherein it was alleged that at the intervening night of 03/04.08.2018, two transformers were stolen by some unknown persons.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present FIR as he is not even named in the FIR. Learned counsel has further placed reliance upon order dated 06.09.2019, passed in CRM-M-36912-2019, whereby co-accused, Raju has

been granted the concession of regular bail by this Court. According to him, challan in the present case has already been filed on 17.11.2018 and investigation of the case is complete, therefore, further custody of the petitioner may not be necessary.

On the other hand, learned State counsel assisted by SI Vijender Singh opposed the prayer. However, it is not disputed that the co-accused has already been granted the concession of bail.

Considering the above background and the custody period of the petitioner who is behind the bar for the last one year i.e. since 29.09.2018, this Court is of the opinion that further custody of the petitioner may not be justified, particularly when the investigation of the case is complete. Resultantly, 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 requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

10.01.2020

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**(MANOJ BAJAJ)
JUDGE**

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No