

CRM-M-9569-2021

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

CRM-M-9569-2021

Date of decision: 10.12.2021

Injmamul

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Farukh Abdullah, Advocate,
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.135 dated 07.07.2019, registered at Police Station Dhauj, District Faridabad, under Sections 457 and 380 IPC, Section 3-A of the Explosive Act, 1884 (added subsequently) and Section 25 of the Arms Act, 1959.

Learned counsel for the petitioner contends that the petitioner was not named in the FIR and rather, has been indicted on the basis of the disclosure statement of co-accused. The story of the prosecution that the petitioner and the co-accused had committed the theft of Rs.9,63,000/- out of Rs.19,93,000/- lying in the ATM and the remaining amount was lying therein, is a concocted version of the complainant, as for the sake of arguments, if it is assumed that they had stolen the amount of Rs.9,63,000/, then the question arises as to why they had left the amount of

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Rs.10,30,000/- in the ATM. The petitioner has been in custody since 23.12.2019. The prosecution witnesses are yet to be examined. There is no other case pending or registered against the petitioner. On this premise, the learned counsel prays that the petitioner be released on bail.

On the other learned State counsel, while opposing the submissions of the learned counsel for the petitioner for the grant of bail, submits that the recovery of Rs.50,000/- and one swift car had been effected from the petitioner.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 23.12.2019. The prosecution witnesses are yet to be examined. Trial is unlikely to conclude any time soon. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

10.12.2021

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No