

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.10562 of 2021 (O&M)

Date of Decision: July 23, 2021

Mohd.Imran Malik

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Vishal Garg, Advocate,
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.515 dated 29.10.2020, under Sections 342, 395, 397, 412 IPC, 1860 and Section 25 Arms Act, 1959, registered at Police Station, Sonipat Sadar, District Sonapat. The petitioner is in custody since his arrest on 02.11.2020.

The prosecution case, as contained in FIR and noticed by the Additional Sessions Judge, Sonipat in his order dated 19.02.2021, reads as under:-

“Briefly stated the facts of the prosecution case are that on 29.10.2020 at about 01:00 AM, about 9 to 10 persons forcibly took away copper contact wire (107 Sq.MM) 1057 KG, four bundles cable measuring about 200 meters, copper cathod

1063 Kg and I-10 car bearing registration No.TN-04AD-9981 colour white from the factory of complainant Pranav at gun point.”

Learned counsel for the petitioner has invited the attention of the court to the final report filed under Section 173(2) Cr.P.C. (Annexure P-3) to contend that the petitioner is an accused and was arrested in connection with the offence punishable under Section 412 IPC only and as per prosecution itself, the petitioner is not involved in commission of rest of the offences. According to him, as the investigation is over, and considering the nature of case qua the petitioner, his further custody may not be necessary, particularly when he is not involved in any other case of similar nature. He prays for bail.

On the other hand, learned State counsel, assisted by SI Inderjeet, has not disputed this fact that the petitioner is alleged to have committed the offence punishable under Section 412 IPC. He further contends that though the challan has been presented on 28.01.2021, but the charges are yet to be framed.

After hearing the learned counsel for the parties and considering the above background, this Court is of the opinion that the further custody of the petitioner may not be necessary for any useful purpose, who is presently confined in judicial custody after his arrest on 02.11.2020. Admittedly, the trial is yet to commence and it may take considerable time to conclude, thus, the petitioner deserves the concession of bail.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and 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/CJM/Duty
Magistrate, Sonipat.

July 23, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No