

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-29352-2021

DATE OF DECISION: SEPTEMBER 1, 2021

RAJU

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. J.S. DAHIYA, ADVOCATE FOR THE PETITIONER.
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.361 dated 25.12.2020, under Section 379 IPC, Police Station Safidon, District Jind. The petitioner is in custody since his arrest on 8.2.2021.

The FIR was registered on the statement of Balbir son of Veer Singh, resident of Bahadurpur, Tehsil Safidon, District Jind, stating that he had a tractor-trolley and on dated 17.12.2020, he parked his trolley in front of his house at around 5.30 p.m. after finishing off his work. On 18.12.2020, when he woke up in the morning, he didn't find his trolley at the said place. He searched for the same, but could not find it. According him, the same was stolen by someone. On these broad allegations, the aforesaid FIR was registered.

Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case. He submits that the challan has been presented and the charges have also been framed. He further

submits that the offence is triable by Magistrate and out of total 8 witnesses, none has been examined so far. He prays that since the trial of the case is likely to consume considerable time, the petitioner be released on regular bail during the pendency of the trial.

On the other hand, learned counsel for the State assisted by HC Vikrant has opposed the aforesaid prayer on the ground that the petitioner is involved in two more cases of similar nature. However, it is not disputed that challan stands filed and charges have been framed on 10.8.2021.

Considering the above background, nature of offence which is triable by Magistrate and the fact that charges have been framed, but none of the witnesses have been examined so far, this Court is of the opinion that the trial of the case is likely to consume considerable time to conclude. Thus, further detention of the petitioner behind the bars may not be necessary for any useful purpose who is presently confined in judicial custody after his arrest on 8.2.2021.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

September 1, 2021
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No