

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.41103 of 2020

Date of Decision: April 06, 2021

Vijay @ Kala

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Pardeep Panwar, 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.519 dated 04.11.2017, under Sections 380 and 457 IPC, 1860, registered at Police Station, Rai, District Sonapat. The petitioner is in custody since his arrest on 12.10.2020.

The above FIR was registered on the basis of a complaint made by Rajendra Kumar, wherein it was stated that he is resident of Bahalgarh, District Sonipat and Ration Depot of village Aswarpur was distributed to him. The work of distribution of ration depot has been done in the house of Satanarayan and the wheat for month of November, 2017 weighing 53.70 quintals, was received by Sonipat Confed on 28.10.2017, and he had placed it at the site of Asawarpur Depot. Landlord Satanarayan told him that on 03.11.2017 at about 6.00 p.m., the lock of his depot was broken and the wheat was stolen. On receipt of this information, he reached Village Asawarpur village depot and found that the lock of the depot was broken and only one bag containing about 50 kgs. wheat was lying there and the

remaining wheat had been stolen by unknown persons. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner has contended that the other co-accused are on regular bail and since the petitioner was arrested on 12.10.2020, therefore, since then he is in judicial custody. It is pointed out that the investigation qua him is complete as final report has been filed. He prays for bail.

On the other hand, the prayer is opposed by the learned State counsel, assisted by SI Satbir Singh, on the ground that the petitioner is involved in other similar cases also.

After hearing the learned counsel for the parties, considering the nature of the offences, which are triable by Magistrate and the fact that the co-accused of the petitioner have already been granted the concession of regular bail, this court does not find any reason to further detain the petitioner behind the bars, who is presently confined in judicial custody after his arrest on 20.10.2020. The prosecution is yet to examine its witnesses and it may take considerable time to conclude the trial, as the charges were framed only on 01.03.2021.

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/Duty Magistrate, Sonapat.

April 06, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No