

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

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**CRM-M No.42151 of 2020
Date of decision:23.02.2021**

Raju

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Gurmail Singh Duhan, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

SUVIR SEHGAL J. (ORAL)

The Court has been convened through video conferencing due to Covid-19 pandemic.

Petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.265, dated 15.09.2020 registered under Sections 379, 411 IPC and Section 136 of the Electricity Act at Police Station Sadar, District Kaithal.

Counsel for the petitioner has argued that the petitioner has been falsely framed in the FIR. According to him, the FIR was registered on the allegation that during the night on 03.09.2020, transformer oil was stolen by some unknown miscreants. He submits that the petitioner was arrested on 06.10.2020 in FIR No.203 dated 23.09.2020, wherein he was granted bail pending trial by this Court vide order dated 18.11.2020, Annexure P-3, passed in CRM-M-37007-2020. When the petitioner went to furnish his bail bonds, he was arrested in the present FIR. It is the submission of counsel for the petitioner that the investigation is complete

and the challan has been presented. Therefore, custodial interrogation of the petitioner is no longer required and he deserves to be released on bail.

Per contra, learned State counsel upon instructions from ASI Satish, has opposed the petition. He submits that the theft of transformer oil was done by co-accused Sucha Singh and Ajaib Singh, who sold it further to Raju (present petitioner) and recovery of 30 litres of stolen oil has been effected from him. Still further, he submits that the petitioner is involved in three other criminal cases of similar nature.

I have considered the rival submissions of the parties.

From the facts and circumstances narrated above, the involvement of the petitioner in the crime is debatable. Keeping in view the nature of allegations, gravity of offence, period of incarceration and the fact that the trial is likely to take time to conclude, no purpose would be served by keeping the petitioner behind the bars any further.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

It is clarified that henceforth, in case, the petitioner is found to be involved in any criminal activity, it will be open to the prosecution to seek cancellation of his bail.

23.02.2021
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No