

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-2375-2022

DATE OF DECISION: MARCH 22, 2022

MAHINDER SINGH

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. RAJESH DUHAN, ADVOCATE FOR THE PETITIONER.
MR. BHUPENDER SINGH, DAG, 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.759 dated 29.10.2021, under Section 136 of Electricity Act, 2003 and Section 379, 511 IPC, Police Station Indri, District Karnal, who is in custody since his arrest on 30.10.2021.

The allegations contained in the FIR as noticed by the Addl. Sessions Judge, Karnal, in the order dated 10.1.2022, are as under:-

“The main allegations against the accused-petitioner is that in the night of 29.10.2021, he was found committing theft of copper coils from the transformer installed at the tubewell of Balvinder Singh son of Gurbachan Singh, resident of village Gumto, District Karnal and he was overpowered by the villagers at the spot and informed the police who had apprehended him with stolen transformer material.”

Learned counsel for the petitioner has argued that investigation in the present case is complete and charges stands framed on 5.1.2022, but

till date no witness has been examined. He submits that the trial would take some time to conclude, therefore, further detention of the petitioner behind the bars is not necessary. He prays for bail.

On the other hand, learned State counsel assisted by SI Subhash has opposed the aforesaid prayer on the ground that the petitioner was arrested from the spot. However, it is not disputed that charges have been framed, but till date no prosecution witness has been examined.

Considering the above background, the custody of the petitioner, and the fact that charges have been framed, however, no prosecution witness has been examined till date, therefore, further detention of the petitioner may not be necessary for any useful purpose, as the trial would take considerable time to conclude. Further, the witnesses are the official witnesses and at present there does not seem any possibility of their being won-over.

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.

March 22, 2022
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No