

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND  
HARYANA AT CHANDIGARH**

**CRM-M-24104-2022**  
**Date of decision: 21.07.2022**

**Mosim**

**...Petitioner**

**Versus**

**State of Haryana**

**...Respondent**

**CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Mr. Munfaid Khan, Advocate  
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

**ARVIND SINGH SANGWAN, J. (Oral)**

This is the second petition that has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 406 dated 22.09.2021, registered under Sections 407 and 120-B of the IPC at Police Station Sadar Nuh, District Nuh.

The first petition, bearing CRM-M-6560-2022, was dismissed as withdrawn on 16.03.2022.

Learned counsel for the petitioner submits that the new ground for filing the present petition is that the investigation is now complete and the offences are triable by the Court of a Magistrate.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of one Ashok Kumar, it is stated that he is working as Manager in a transport company and the

petitioner was employed as a Driver. It is further stated that the petitioner was taking a consignment from Amazon Company at Gurugram to Bangalore and when the complainant checked the location of the vehicle, the same was found to be parked in a village in Nuh after some time. Thereafter, the petitioner was not found at the spot and while checking, it was found that the goods worth Rs. 47,48,481/- were stolen.

Learned counsel for the petitioner further submits that the petitioner is a first offender; there is no record that the petitioner was employed as a Driver; the investigation is complete and out of total 14 prosecution witnesses, only 04 witnesses have been examined so far.

Learned State counsel has filed the custody certificate, which reflects that the petitioner is in judicial custody for the last more than 09 months and he is not involved in any other case.

Learned State counsel submits that recovery of some money and three mobile phones was effected from the petitioner, however, it is not disputed that the offences are triable by the Court of a Magistrate and out of total 14 prosecution witnesses, only 04 witnesses have been examined so far.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is in judicial custody for the last more than 09 months; he is not involved in any other case; out of total 14 prosecution witnesses, only 04 witnesses have been examined so far and also in view of the fact that conclusion of trial is likely to take some time as the offences are triable by the Court of a Magistrate, the instant petition is allowed. The

petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

21.07.2022

*Waseem Ansari*

(ARVIND SINGH SANGWAN)  
JUDGE

*Whether speaking/reasoned*

*Yes/No*

*Whether reportable*

*Yes/No*