

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-27187-2022 (O&M)

Date of Decision: 6.9.2022

Mohammad Unish

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Prateek Rathee, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

KARAMJIT SINGH, J.

CRM-29622-2022

Allowed as prayed for and documents Annexures P-6 and P-7
are taken on record subject to all just exceptions.

Main case.

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.28 dated 2.2.2022 registered for the offences punishable under Sections 412, 395, 365, 323, 506 IPC at Police Station Sadar Jhajjar, Tehsil and District Jhajjar.

Counsel for the petitioner submits that FIR in this case was registered against unknown persons and the petitioner was arrested on 28.2.2022 and during the investigation, no stolen article was recovered from his possession and only cash worth ₹ 7700/- is said to have been recovered from him by the police. He further submits that after completion of

investigation, challan has been presented and the trial Court has also framed charges but it will take considerable time for the trial to terminate. He further contends that the petitioner is also facing one another criminal case in which he has been granted bail vide order dated 22.3.2022 (Annexure P-2) by the Court concerned. He further submits that in the given circumstances, no purpose is going to be served by prolonging the judicial incarceration of the petitioner.

Present petition is contested by the State counsel who on instructions from ASI Sunil Kumar has not refuted the fact that the petitioner is in custody for the last more than 6 months and that only amount worth ₹ 7700/- was recovered from the petitioner and that after completion of investigation, challan has been presented and after framing of charges, now the case is fixed for prosecution evidence. She has also not disputed the fact that in another criminal case being faced by the petitioner, he has already been granted regular bail vide order Annexure P-2 and she submits that the stolen material i.e. 950 kg of *Saria* and 22 iron plates were sold by the present petitioner and co-accused Asif.

I have considered the submissions made by the counsel for the parties.

Admittedly, FIR in this case was registered against unknown persons regarding theft of construction material including *Saria*, iron plates etc. and the petitioner was arrested in the present case on 28.2.2022 and cash as has been stated above, was recovered from his possession and no stolen article was recovered from the petitioner during the investigation of this case. Further, after completion of investigation, the police has presented the challan and now the case is fixed for prosecution evidence. It will take

considerable time for the trial to conclude. The petitioner has already been granted bail in another criminal case which is being faced by him as is evident from Annexure P-2.

In view of above, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

Consequently, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

September 6, 2022
Paritosh Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No