

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

229

CRM-M-28397-2022 (O&M)

Date of Decision: 28.09.2022

NITESH @ PADAR

...Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Varun Gupta, Advocate
for the petitioner.

Mr. Pawan Kumar Jhanda, AAG Haryana.

HARNARESH SINGH GILL, J.(Oral)

Prayer in this petition is for grant of regular bail to the petitioner in case bearing FIR No.327 dated 04.10.2021, under Sections 324, 395, 427, 459, 326 and 412 IPC, at Police Station Sadar, Narnaul.

Status report by way of an affidavit dated 20.09.2022 of the Deputy Superintendent of Police, Narnaul, District Mahendergarh, filed on behalf of the respondent-State, in the Registry, is taken on record.

Learned counsel for the petitioner submits that neither the petitioner has been named in the FIR nor any specific role has been attributed to him; that even in the first supplementary statement of Dharamvir @ Aaho recorded on 22.02.2022, the petitioner has not been named; that it was only on 23.02.2022, the second supplementary statement of Dharamvir @ Aaho, was recorded, in which he has named the petitioner as an accused; that the petitioner has been in custody since

12.04.2022 and that co-accused, namely, Yogesh @ Dholia, has already been granted the concession of bail by this Court on 18.05.2022. He further submits that the allegation against the petitioner is that he had shared the looted amount of Rs.30,000/- and that as far as five other cases registered and/or pending against the petitioner are concerned, he stands acquitted in two and in remaining three, he is on bail.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that Dharamvir @ Aaho in his second supplementary statement has specifically named the petitioner with an allegation that he has shared the looted money. He further submits that charges are yet to be framed and the prosecution evidence is to commence.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 12.04.2022. The petitioner was not named in the FIR and has been indicted on the basis of the second supplementary statement of Dharamvir @ Aaho. As per the learned counsel for the petitioner, the allegation against the petitioner is only of sharing the looted amount of Rs.30,000/-. In two cases, the petitioner stands acquitted and in three, the petitioner is on bail. Charges are yet to be framed and prosecution evidence is to commence. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

28.09.2022

(HARNARESH SINGH GILL)
JUDGE

Aman Jain

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>