

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

CRM-M-29453-2022
Date of Decision:-**11.10.2022**

ASIF

... Petitioner

Versus

STATE OF HARYANA

... Respondent

-.-

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. Aditya Sanghi, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

-.-

KARAMJIT SINGH, J. (Oral)

The petitioner has approached this Court seeking grant of regular bail in a case having FIR No.28 dated 2.2.2022 registered under Sections 395, 365, 323, 506, 412 IPC at Police Station Sadar, District Jhajjar.

The counsel for the petitioner submits that FIR in this case was registered against unknown persons regarding theft of construction material and the petitioner was arrested on 7.2.2022. The counsel for the petitioner submits that the petitioner is doing the business of scrap and has been falsely implicated in this case. The counsel for the petitioner further submits that it is a matter of evidence as to whether the alleged articles recovered from

possession of the petitioner were stolen goods. The counsel further submits that after completion of investigation challan has been presented and charges have been framed but it will take considerable time for the trial to conclude. He further contends that the petitioner is facing two other criminal cases in which he has been granted bail and that no purpose is going to be served by prolonging the judicial incarceration of the petitioner.

The instant petition is resisted by the State counsel, who submits that no doubt the FIR was registered against the unknown persons, the petitioner was arrested by the police on 7.2.2022. The State counsel further submits that 15 stolen shuttering plates were recovered from the possession of the petitioner. The State counsel has admitted that after completion of investigation, challan has been presented and now case is fixed for prosecution evidence after framing of charges. She has also not disputed the fact that in another two criminal cases the petitioner has been granted concession of bail.

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

In the present case, FIR was registered against unknown persons regarding theft of construction material and during investigation petitioner was arrested on 7.2.2022 and 15 shuttering plates were recovered from him. After completion of investigation, the police has presented the challan and charges are framed and now the case is fixed for prosecution evidence and it will take considerable time for the trial to conclude. It is a matter of evidence as to whether the articles recovered from the possession of the petitioner were stolen articles.

In view of the above, as it will take time for the trial to terminate, so no purpose is going to be served by keeping the accused behind the bars for indefinite period.

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

11.10.2022
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No