

221 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-35438-2022 (O&M)
Date of Decision:- 29.10.2022

SACHIN ALIAS GOLU

PETITIONER

VERSUS

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Rakesh Kumar Lathwal, Advocate
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

KARAMJIT SINGH, J.(Oral)

CRM-34407-2022

This is an application for placing on record the copies of bail orders (Annexures P-2 and P-3) dated 06.09.2022.

The State counsel has pleaded no objection if the present application is allowed.

Accordingly, the application is allowed. Copies of bail orders (Annexures P-2 and P-3) dated 06.09.2022 are ordered to be taken on record.

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 02.02.2022 registered under Section 323, 365, 395, 506 (412, 120-B added later-on) of Indian Penal Code-1860 at Police Station Jhajjar (Haryana).

Learned counsel for the petitioner has submitted that an FIR in this case was registered against unknown persons regarding theft of

construction material and the petitioner was arrested on 12.07.2022 and no stolen article was recovered from his possessssion during the investigation of the case. Learned counsel for the petitioner has further submitted that after completion of investigation challan has been presented but it will take considerable time for the trial to conclude even after framing of the charges. The counsel for the petitiomer further submits that the petitioner is having no criminal history and similarly situated co-accused namely, Khan Bhai and Mohammad Unish have already been granted regular bail by this Court vide Annexures P-2 and P-3.

The present petition is contested by the State counsel who on instructions from ASI Jagbir Singh has not refuted the fact that the FIR in this case was registered against unknown persons and that the petitioner is in custody since 12.07.2022 and that only one car was recovered from him and that after completion of investigation the police has presented the challan but trial is yet to commence. The fact regarding grant of regular bail to co-accused vide order dated 06.09.2022 (Annexures P-2 and P-3) has also not been disputed by the State counsel.

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

Admittedly the FIR in this case was registered against unknown persons regarding theft of construction material including saria iron plates etc. The petitioner was arrested on 12.07.2022 and no stolen article was recovered from his possession. After completion of investigation the police has presented the challan but the trial is yet to commence. It will take considerable time for the trial to conclude even after its commencement. Admittedly co-accused Khan Bhai and Mohd. Unish have been given

benefit of Regular Bail vide order dated 06.09.2022 (Annexures P-2 and P-3) by this Court and the petitioner is having no criminal antecedents.

In view of the above, this Court is of the opinion that 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 learned trial Court/Duty Magistrate concerned.

29.10.2022
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(KARAMJIT SINGH)
JUDGE

Whether speaking /reasoned Yes

Whether Reportable No