

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-1910 of 2023(O&M)
Date of Decision: 29.04.2023

Subhash @ Subhash Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Navmohit Singh, Advocate
For the petitioner.

Mr. Naveen Sheoran, DAG Haryana.

KARAMJIT SINGH, J.

1. The present petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case having FIR No. 515 dated 29.10.2020, registered under Sections 342, 395, 397 IPC and Section 25 of Arms Act at Police Station Sonipat Sadar, to which offence under Sections 201 and 412 IPC were added lateron.

2. Facts in brief are that on 29.10.2020 at about 1:00 a.m. approximately 9-10 unknown persons forcibly took away copper contact wire (107 sq.mm) 105 Kg, four bundles of cable measuring about 200 meters, copper cathode 1063 Kg and i10 car bearing registration No. TN04AD-9981 from the factory of complainant Pranav at gun point. The complainant further reported to the police that the petitioner who was employee of his factory was involved in the aforesaid incident. Resultantly,

petitioner was arrested on 31.10.2020 and two copper plates weighing 10 kg and certain copper rods were recovered from the petitioner.

3. The counsel for the petitioner submits that the petitioner was falsely implicated in the present case and he is in custody since 31.10.2020 and during trial, complainant and other material witnesses while appearing in the witness box have not deposed anything incriminating against the petitioner. That the copy of the testimony of complainant is Annexure P-4 while the copies of depositions of other material witnesses namely Om Parkash and Amit are also produced on record.

4. The counsel for the petitioner further submits that it will take considerable time for the trial to conclude. So prayer is made that the petitioner be released on bail.

5. The present petition is resisted by the State counsel, who submits that the petitioner is the main accused and he was arrested during the investigation of the case on 31.10.2020 and he got recovered some of the stolen material. However, the State counsel has not disputed the fact that during trial material witnesses have been examined but it will take time for the trial to conclude.

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

7. The FIR in this case was registered against unknown persons and during investigation the petitioner was arrested on 31.10.2020 and certain stolen articles were recovered at his instance. From the perusal of testimony of complainant, Annexure P-4 it appears that he reached the place of theft only after receiving information regarding the same. Even other

material witnesses namely Om Parkash and Amit failed to identify the accused persons including the petitioner while appearing in the witness box. Admittedly, it will take time for the trial to conclude. In the light of the above, no purpose is going to be served by keeping the petitioner in custody for any longer period.

8. Thus, 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.

29.04.2023

Jiten

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No