

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-2095-2023
Date of Decision:-**29.04.2023**

TILAK RAJ ALIAS RAJU

... Petitioner

Versus

STATE OF HARYANA

... Respondent

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CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

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Present:- Mr. Parminder Singh, Advocate
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

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KARAMJIT SINGH, J. (Oral)

1. This is second petition filed by the petitioner under Section 439 Cr.P.C. for grant of regular bail in a case having FIR No.499 dated 21.08.2022 registered under Sections 380, 457 IPC at Police Station Industrial Sector 29, District Panipat.
2. As per the allegations recorded in the FIR, some unknown persons committed theft of cash worth Rs.2 lac and foreign currency worth Rs.2 lac from the premises of the factory of complainant on the night

intervening 20/21st August, 2022. During investigation, the present petitioner was arrested by the police on 24.8.2022.

3. The counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and is incarcerated since 24.8.2022 and during investigation, no objectionable or stolen articles were recovered from his possession. The counsel for the petitioner further submit that during trial, the complainant has not named the petitioner in his testimony to be person who committed theft in question in the premises of his factory.
4. The instant petition is resisted by the State counsel, who submits that during investigation it was found that the theft in question was committed by the petitioner and resultantly he was arrested on 24.8.2022 and now the trial is going on and complainant stands examined. However, the State counsel has not disputed the fact that the FIR was registered against unknown persons and during investigation, no stolen article was recovered from possession of the petitioner.
5. I have considered the submissions made by counsel for the parties.
6. Admittedly the FIR was registered against unknown persons, who committed theft of cash lying in the office of the factory of the complainant. During investigation, the petitioner was arrested on 24.8.2022, but no incriminating material was recovered from his possession. Now trial has commenced and complainant has already examined but it will take considerable time for the trial to conclude

and all the offences are triable by the Court of Judicial Magistrate Ist Class. So no fruitful purpose is going to be served by prolonging judicial custody of the petitioner for indefinite period.

7. 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.

29.04.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

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