

214-2 **IN THE HIGH COURT OF PUNJAB AND HARYANA**
 AT CHANDIGARH

CRM-M-15717-2023

Date of decision: 07.08.2023

Sachin

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Sanpreet Sandhu, Advocate for
Mr. Sahil Chaudhary, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, Haryana.

RAJBIR SEHRAWAT, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 439 Cr.PC. seeking bail pending trial in case FIR No.95 dated 13.04.2022 under Sections 457, 380, 201, 436, 120-B of IPC, 1860, registered at Police Station Radaur, District Yamuna Nagar (Annexure P-1).

2. It is submitted by the counsel for the petitioner that the case against the petitioner is totally concocted and fabricated. The petitioner is not involved in the crime at all. Even as per the story of the prosecution, ATM machine is stated to have been stolen after taking away the cash box. The petitioner was involved in the case on the basis of disclosure statement of co-accused Mohit. However, during the investigation, nothing substantial was found against the petitioner. To connect the name of the petitioner to the crime, the police have fabricated a recovery of an amount of Rs.5,000/- as well as of a oxygen gas cylinder and one LPG gas cylinder, from the petitioner. Petitioner is in custody since 08.08.2022 and he is not required for any further investigation. Hence, the petitioner deserves to be released on bail pending trial.

3. On the other hand, learned State counsel being instructed by SI Makhan Singh, submits that the petitioner is involved in a serious offence of damaging a public utility and stealing money from the ATM. He also submits that petitioner is involved in two more cases of similar nature. However, it is not disputed that the petitioner is in custody since 08.08.2022 and that the petitioner is not required for any further investigation.

4. In view of the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the trial Court/Duty Magistrate, concerned.

07.08.2023
Parveen kumar

(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned :Yes/No
Whether reportable :Yes/No