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

CRM-M-21897-2023

Date of Decision: 30.05.2023

AABID

..... PETITIONER

VS

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present : Mr. Farukh Abdullah, Advocate for the petitioner.
Mr. Karan Sharma, DAG, Haryana.

GURBIR SINGH, J. (ORAL)

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No. 01 dated 01.01.2019 under Section 407 IPC 1860 registered at Police Station Rozka Meo, District Nuh.

The case was registered at the instance of Sajid. The complainant made a statement that he works as a transporter. On 29.12.2018 around 5:00 PM, he had loaded his buffalo in the vehicle for Dasna International Meat Factory. The said vehicle was being driven by Tofik. Petitioner -Aabid was working as a conductor and one labour Khalid was also there. On 30.12.2018, in the morning time they had unloaded those cattle there and had taken Rs.6,000,00/- from there and had proceeded back. On 30.12.2018, in the evening time, he received a telephonic call from the labour-Khalid that the vehicle was parked at KMP on Nuh-Sohna flyover but driver and conductor were not present. They contacted the family members of the driver and conductor but they could not tell about the whereabouts. During investigation, the vehicle was taken in police

possession and the petitioner was tried to apprehended but was got declared proclaimed offender from the court of JMIC on 29.02.2020.

Learned counsel for the petitioner submits that the petitioner is in custody since 16.12.2022. As per allegations, only amount of Rs.50,000/- has been received by him as his share and he spent the same for his personal expenses. The petitioner is not involved in any other case. Challan has already been presented. He further submits that co-accused-Tofik has not yet been arrested and declared proclaimed offender.

Learned State counsel has filed status report by way of an affidavit of Jitender Kumar, HPS, Deputy Superintendent of Police, Nuh and the same is taken on record. He has opposed the prayer made by learned counsel for the petitioner. He submits that the petitioner was earlier declared proclaimed offender as he could not be arrested. Later on he was arrested in this case on 16.12.2022 when he was already arrested in another FIR No.342 dated 12.12.2022 under Section 174(A) of IPC registered at police Station City Nuh. In the said case he was convicted and was awarded sentence which was already undergone by the petitioner.

Heard.

As per the status report, petitioner has received a sum of Rs.50,000/- as his share. As per version of the prosecution, petitioner was working as a conductor on the vehicle of the complainant. There is nothing on the file whether amount of Rs.6,000,00/- was given to the petitioner or the driver. Nothing is to be recovered from the petitioner. The petitioner is in custody in this case for the last more than four and a half months. The case is of Magistrate trial.

Keeping in view the fact that the petitioner is in custody since 16.12.2022, the completion of trial will take a long time, no useful purpose would be served by keeping the petitioner behind bars for a long period.

Accordingly, without commenting upon the merits of the case, the present petition is allowed and the petitioner is directed to be released on regular bail, on his furnishing bail bonds/surety bonds, to the satisfaction of learned Trial Court/Duty Magistrate, concerned.

The petitioner shall get his mobile number registered in the trial Court for receiving messages through CIS and shall not change his mobile number during pendency of the case. The petitioner shall also get registered said mobile number with the concerned police station. In case of default, the learned trial Court is free to cancel the bail granted to the petitioner.

However, nothing contained herein above shall be construed as an expression of opinion on the merits of the case. If the petitioners indulge in the commission of any offence while on bail, the State would be at liberty to move an application for cancellation of his bail granted vide this order.

(GURBIR SINGH)
JUDGE

30.05.2023
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>