

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

226

CRM-M-31718-2023 (O&M)

Date of decision: 09.10.2023

Gajender @ Golu

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Pankaj Bali, Advocate
for the petitioner.

Mr. Karan Jindal, AAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.230 dated 18.05.2022 under Sections 379, 406, 420, 467, 468, 471, 120-B of the IPC registered at Police Station Taraori, District Karnal.

2. Learned counsel for the petitioner inter alia contends that the petitioner has been nominated as an accused in the case in hand on the basis of a disclosure statement allegedly made by co-accused Upender Singh. Learned counsel submits that in the FIR there is no allegation much less by way of a whisper qua the involvement of the petitioner in the crime in question coupled with the fact that he has clean antecedents which in turn lends support to his false implication in the case in hand. It has been submitted that co-accused Upender Singh on whose disclosure statement the petitioner was nominated as an accused has since been extended the concession of bail by this Court vide order dated 01.06.2023 (Annexure P-2).

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions, has not been able to dispute that the name of the petitioner surfaced during the disclosure statement made by co-accused Upender Singh, who has since been extended the concession of bail. However, he submits that the petitioner along with co-accused had committed theft of 300 quintals of rice, which was being transported from Taraori to Gujarat.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. The petitioner has been in custody since 29.01.2023. After the challan was presented and charges framed, as many as 03 prosecution witnesses out of the 19 cited, have since been examined. The offences for which the petitioner has been charged are triable by Magistrate. There is no likelihood of the trial concluding in the near future. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

6. Accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

09.10.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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