

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

241

1.

CRM-M-36462-2023

Date of decision: 06.11.2023

Hari Ram

.....Petitioner

Versus

State of Haryana

.....Respondent

2.

CRM-M-36477-2023

Lokesh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Dr. Juhi Goel, Advocate for the petitioners.

Mr. Rajiv Sidhu, DAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioners are seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.340 dated 07.05.2023 under Sections 420, 411, 120-B of the IPC and Sections 25/54/59 of the Arms Act registered at Police Station Surajkund, District Faridabad.

2. Learned counsel for the petitioners inter alia contends that the petitioners have been in custody since 07.05.2023 in a magisterial trial and there is no likelihood of the trial concluding in the near future as none of the 13 prosecution witnesses have been examined till date. Learned counsel has further submitted that a false case has been planted upon the petitioners which is evident from the fact that they have clean antecedents as they are not involved in any other criminal case much less a case of similar nature.

3. Per contra, learned State counsel while opposing the prayer

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and submissions made by learned counsel for the petitioner, on instructions, has submitted that the petitioners had been withdrawing large sums of money from the bank accounts of different people after cloning their ATM Cards. He has, however, not disputed that the petitioners are not involved in any other criminal case. Learned State counsel has also not disputed that none of the 13 prosecution witnesses have been examined till date.

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

5. The petitioners have been in custody for almost 06 months having been arrested on 07.05.2023. The offences for which the petitioners have been charged are triable by a Magistrate. In the facts and circumstances as enumerated hereinabove, further incarceration of the petitioners would serve no useful purpose. This Court, therefore, deems it fit to extend the concession of bail to the petitioners.

6. Accordingly, the instant petitions are allowed. The petitioners be admitted to bail on their furnishing bail/surety bonds 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.

7. Needless to add, in case the petitioners misuse the concession of bail granted to them, the State would be at liberty to seek cancellation of the same.

06.11.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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