

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.40500 of 2023 (O&M)
Date of decision: 19th September, 2023

Manoj Kumar @ Monu

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Aditya Sanghi, Advocate for the petitioner.

Mr. Rahul Mohan, Sr. Dy. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.186 dated 04.07.2023 under Section 379 IPC registered at Police Station Ateli, District Mahendergarh.

2. Learned counsel for the petitioner, while drawing the attention of this Court to the FIR, which has been annexed as Annexure P-2, submits that not only was it registered after an inordinate delay of three days but it was registered against unknown persons and there was no suspicion raised qua the involvement of the petitioner, however, subsequently, supplementary statement was made by the complainant on 25.07.2023, wherein he named the petitioner as being the one who had stolen Aluminum pipes from his shop. Subsequently, the petitioner allegedly suffered a disclosure statement, in pursuance of which,

recovery of the Aluminum pipes was effected from him. Learned counsel submits that though it is a case of false implication, however, in view of the recovery having been admittedly effected, further incarceration of the petitioner in the case in hand would serve no useful purpose, more so since he is not involved in any other criminal case.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Virender, has not disputed that while lodging the FIR in question, the complainant had not suspected the involvement of the petitioner in the crime in question. However, he submits that thereafter, when the petitioner was arrested on 26.07.2023 pursuant to the supplementary statement made by the complainant, recovery of all the stolen pipes was effected from him, which left no manner of doubt qua his involvement in the crime in question. Learned State counsel, on further instructions, has however, not disputed that the petitioner is not involved in any other criminal case.

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

5. The petitioner has now been in custody since 26.07.2023 and there is no likelihood of the trial concluding in the near future as even final report under Section 173(2) Cr.P.C. has not been presented till date, even though on the last date of hearing learned State counsel, on instructions, had informed the Court that challan was to be presented within a couple of weeks. In the facts and circumstances as enumerated

hereinabove and keeping in view the allegations levelled, this Court thus deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. 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.

(MANJARI NEHRU KAUL)
JUDGE

September 19, 2023
rps

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