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2023:PHHC: 152385

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

CRM-M-48500-2023
Date of decision: 30.11.2023

BALINDER SINGH**.....PETITIONER****VERSUS****STATE OF HARYANA****.....RESPONDENT****CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present : Mr. R.K. Saini, Advocate
for the petitioner.

Mr. Rahul Mohan, Sr. DAG, 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.897 dated 02.10.2022 under Sections 407, 379, 411, 201, 420, 120-B of the IPC registered at Police Station City Karnal, District Karnal.

2. Learned counsel for the petitioner *Inter alia* contends as per the allegations, the petitioner along with co-accused Sandeep alias Sippa (driver of the truck) allegedly sold 700 boxes of apples, which were being transported in the truck in question.

3. It has been further submitted that the petitioner came to be nominated as an accused on the basis of disclosure statement allegedly suffered by co-accused Sandeep and admittedly the evidentiary value of such disclosure statement is of weak nature.

4. Learned Counsel further submits that the investigation is complete and challan also stands presented, hence, his further incarceration in the aforementioned facts and circumstances, particularly the nature of allegations leveled, would serve no useful purpose.

5. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, has not disputed that the petitioner was nominated as an accused on the basis of a disclosure statement suffered by co-accused Sandeep. However, he submits that he had colluded with co-accused Sandeep and thereafter sold of 700 boxes of apples by taking them to an undisclosed destination.

6. It has also not been disputed that the investigation in the case in hand is complete and the charges are likely to be framed by the trial Court today.

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

8. The petitioner has been in custody since 26.08.2023 and there is no likelihood of the trial concluding in the near future as charges have not yet been framed and 25 witnesses have been cited by the prosecution.

9. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

10. 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.

11. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

30.11.2023
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No