

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53084-2022
Date of Decision:-18.01.2023

RAJ KUMAR @ RAJU
... Petitioner
Versus
STATE OF HARYANA
... Respondent

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CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

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Present:- Mr. Ashok Kumar Sharma (Bhana), Advocate
for the petitioner.
Ms. Harpreet Kaur, AAG, Haryana.

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KARAMJIT SINGH, J. (Oral)

The petitioner has approached this Court seeking grant of regular bail in a case having FIR No.593 dated 14.12.2020 registered under Sections 380, 457 IPC (Section 413 IPC added later on) at Police Station City Tohana District Fatehabad.

As per the allegations appearing on the record some unknown persons committed theft in the jewellery shop of the complainant and took away jewellery which was lying in the shop.

During investigation co-accused Sahil and Yash were arrested in this case, who disclosed to the police that the stolen jewellery was sold by

them to the present petitioner and restultantly the present petitioner was impleaded as accused and was arrested on 29.7.2021.

The counsel for the petitioner *inter alia* contends that the petitioner is in custody for the last about 1 year and 6 months and now trial has commenced and complainant stands examined and that it will take considerable time for the trial to conclude, so prayer is made that petitioner be released on regular bail.

The instant petition is resisted by the State counsel, who submits that the petitioner who is having criminal history was found to be in possession of certain stolen jewellery belonging to the complainant, however the state counsel has not disputed the fact that the petitioner is in custody since 1 year and 6 months and during trial testimony of the complainant is recorded and that in total prosecution has examined 3 prosecution witnesses till date and 15 prosecution witnesses still remain to be examined.

I have considered the submissions made by counsel for the parties.

The recoveries in this case are already effected and after the presentation of the challan trial has commenced and complainant is also examined but it will take considerable time for the trial to conclude as out of total 18 witnesses till date only 3 witnesses have been examined by the prosecution. As per the custody certificate furnished by the State counsel, the petitioner is behind the bars since last 1 year and 6 months and indeed he is also involved in some criminal cases, however the counsel for the petitioner clarified that in all the other criminal cases the petitioner has been granted bail.

In view of the above, as it will take time for the trial to conclude, so no purpose is going to be served by keeping the accused behind the bars for any longer period.

Thus without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

18.01.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No