

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

CRM-M-56306-2022
Decided on : 01.02.2023

Mukeem

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Munfaid Khan, Advocate
for the petitioner.

Mr. Rahul Mohan, DAG, Haryana
with ASI Rajinder.

Manjari Nehru Kaul, J.(Oral)

Present petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.167 dated 22.04.2022 under Sections 407, 379, 411 and 120-B IPC registered at Police Station Farrukh Nagar, District Gurugram.

Learned counsel for the petitioner contends that the petitioner, was driving a 'container vehicle' in which 362 boxes containing mobile phones, had been loaded and which were found missing when the vehicle reached Hyderabad from Gurugram. Learned counsel submits that false allegations have been levelled in the FIR in question that he had connived with the co-accused in the theft of the missing mobile phones. Learned counsel submits that the petitioner has been in custody since 13.05.2022 and there is no likelihood of the trial concluding in the near future as only 04 out of 14 prosecution witnesses cited have been examined. Learned counsel

further submits that the petitioner is not involved in any other criminal case much less of a similar nature and hence, his further incarceration would serve no useful purpose.

Per contra learned State counsel while opposing the prayer and submissions made by counsel opposite on instructions submits that the petitioner was not only the driver of the container vehicle from which 362 boxes containing mobile phones were found missing but 19 mobile phones were thereafter recovered from his possession.

Heard learned counsel for the parties and perused the relevant material on record.

In the facts and circumstances as enumerated hereinabove, the petitioner has been in custody since 13.05.2022 in a Magisterial trial and trial shall take considerable time to conclude. This Court, therefore, deems it fit to extend the concession of bail to the petitioner. Accordingly, the present petition is allowed. The petitioner be admitted to bail to the satisfaction to 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.

01.02.2023
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(MANJARI NEHRU KAUL)
JUDGE

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