

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

**CRM-M-20497-2024
Decided on:-01.05.2024**

Karan and anotherPetitioners..

vs.

State of HaryanaRespondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Abhishek Goyal, Advocate for the petitioners.

Mr. Rajiv Sidhu, DAG, Haryana.

HARKESH MANUJA J. (Oral)

1. By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, prayer has been made for grant of regular bail pending trial, in case bearing FIR No.462, dated 20.10.2023, registered under Sections 379, 420, 467, 468, 471 and 120-B IPC, Police Station Kheripul, Ballabgarh, District Faridabad, wherein, the petitioners have been implicated with the allegations of having committed theft of bag being carried by the complainant, who was working as delivery boy in a Flip Cart Company, Faridabad.

2. The prayer made herein has been opposed at the instance of learned State counsel while submitting that the recovery of some of the mobile phones at the instance of petitioner was effected by the Investigating Agency, which prima facie connect him with the offence in hand besides it the custody period which is only 5 months and thus, he does not deserve the concession of regular bail.

3. I have heard learned counsel for the parties and gone through

the paper book, I find substance in the submissions made on behalf of the petitioner.

4. In the present case, investigation already stands concluded with the filing of challan followed by framing of charges and trial is likely to take some time as none of the prosecution witnesses has been examined so far. The petitioners are young boys, who are in the custody for the last about 05 months and are not involved in any other case.

4.1 Moreover, the petitioners even volunteer to compensate the complainant for a non-refundable sum of Rs.30,000/- each (total Rs.60,000/-) without prejudice to their rights in the trial, towards harassment being faced by him.

5. Thus, considering the aforesaid facts, I do not find any justification to extend the incarceration of the petitioners.

6. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioners are ordered to be released on regular bail on their furnishing adequate bail/surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate. The aforesaid amount of Rs.30,000/- each (total Rs.60,000/-), which is non-refundable as volunteered by the petitioners, shall be deposited by them at the time of submissions of their adequate bail/surety bonds before the Trial Court/Duty Magistrate, which shall be released to the complainant upon verification.

7. It is made clear that this order may not be construed as an expression of opinion on the merits of the case.

01.05.2024

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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/ No