



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

230

CRM-M-30594-2024

Date of decision: 01.07.2024

Bilal

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Jitender Dhanda, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, AAG, 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.449 dated 05.12.2023 under Sections 406, 120B of the IPC (Sections 407, 506, 201 of the IPC added and Section 406 of the IPC deleted lateron) registered at Police Station Ferozepur Jhirka, District Mewat.

2. Learned counsel for the petitioner contends that the petitioner has clean antecedents and has been falsely implicated in the present case for having allegedly misappropriated betul nuts which were being transported in a truck being driven by him from Hyderabad to Delhi. Learned counsel submits that even as per the case of the prosecution when the complainant inquired from the owner of the truck co-accused Imran as to what was the status of the goods which had been sent in his vehicle, he was told that within next couple of days the goods will be delivered at the designated address. He submits that co-



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accused Imran had since been exonerated during investigation and instead the petitioner who was merely his employee had been challaned in the present case. Learned counsel submits that since the investigation in the case in hand is complete as challan stands presented, further incarceration of the petitioner would serve no useful purpose as the trial could take considerable time to conclude, moreso, when the charges are yet to be framed and as many as 18 witnesses have been cited by the prosecution.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions, has not disputed that the investigation in the present case is complete as challan stands presented. It has also not been disputed that co-accused Imran has been exonerated by the investigating agency during investigation. Learned State counsel has, however, on instructions submitted that the truck in question was found lying abandoned in Bullandshahar with betul nuts missing from it and the petitioner was arrested after a month following the recovery of the abandoned truck.

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

5. The petitioner has been in custody since 19.01.2024 in a magisterial trial. The petitioner is not stated to be involved in any other criminal case. The trial is unlikely to conclude in the near future as charges are likely to be framed only on the next date of hearing coupled with the fact that as many as 18 witnesses have been cited by the prosecution. In the facts and circumstances as enumerated hereinabove,

this Court deems it fit to extend the concession of bail to the petitioner.

6. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds 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.

01.07.2024

(MANJARI NEHRU KAUL)

Vinay

JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No