IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

[238]

CRM-M-30763-2024
Date of decision: 23.07.2024

Ankit Bhardwaj .....Petitioner

Versus

State of Punjab & Another .....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Divyanshu Kaushik, Advocate and
Ms. Simran Sharma, Advocate for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

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MANJARI NEHRU KAUL, J. (ORAL)

1. Present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.0168 dated 09.05.2024 for offence punishable under Section 406, 420, 379 and 506 of Indian Penal Code, 1860, registered at Police Station Zirakpur, District SAS Nagar.

2. Learned counsel for the petitioner submits that the petitioner has been in custody since 11.05.2024 in a magisterial trial; investigation in the present case is complete as challan also stands presented, however, charges have not been framed yet and as many as 14 witnesses have been cited by the prosecution, hence, the trial would take considerable time to conclude.

3. It has still further been argued by the learned counsel for the petitioner that a perusal of the FIR, which has been annexed as Annexure P-1, reveals that neither the petitioner has been named therein, nor any suspicion raised qua his involvement in the theft of

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shuttering material, which was given on rent by the complainant. Learned counsel has also contended that the petitioner came to be nominated as an accused on the basis of a disclosure statement allegedly suffered by co-accused, namely, Nitin Bansal, who allegedly stated that the alleged theft had been committed with the connivance of the petitioner. Therefore, it has been argued by the learned counsel for the petitioner that in the aforementioned facts and circumstances, more so, when the disclosure statement on the basis of which the petitioner has been nominated as an accused, does not have much evidentiary value, the petitioner be enlarged on bail.

4. *Per contra,* learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from the officer/official concerned, submits that although the petitioner was not named in the FIR in question, however, during investigation, it came to light that he had impersonated as the owner of the company, to which the shuttering material have been rented out. It has also not been disputed by the learned State counsel that the investigation in the present case is complete as challan stands presented. Learned State counsel has filed the custody certificate of the petitioner in Court today, which is taken on record. Custody certificate reveals that the petitioner is not involved in any other criminal case.

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

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6. In the facts and circumstances as enumerated hereinabove, further incarceration of the petitioner, in a case triable by the Magistrate, would serve no useful purpose as the trial would take considerable time to conclude. Thus, this Court deems it fit to extend the concession of bail to the petitioner.

7. 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.

8. 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.

JULY 23, 2024 (**MANJARI NEHRU KAUL**)
*Anjal**
JUDGE

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

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