

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

218

CRM-M-46649-2023

Date of decision: 06.03.2024

Sameer

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Vikas Kumar, Advocate and
Mr. Rakesh Kumar Lathwal, Advocate
for the petitioner.

Ms. Trishanjali Sharma, DAG, 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.199 dated 22.05.2023 under Sections 407, 120-B read with Section 34 and 411 of the IPC registered at Police Station Sadar Sonipat, District Sonipat.

2. Learned counsel for the petitioner inter alia contends that the petitioner has been in custody since 09.07.2023 in a magisterial trial; out of the 20 prosecution witnesses, 05 stand examined. Learned counsel submits that the petitioner came to be nominated as an accused on the basis of a disclosure statement allegedly suffered by co-accused Ajmal Khan; evidentiary value of such disclosure statement is of a weak nature. It has thus been prayed that in the circumstances since the investigation in the case is complete and even some of the material witnesses stand examined, further incarceration of the petitioner would serve no useful purpose.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions, has not disputed the stage of the trial. However, she submits that the petitioner in collusion with co-accused Ajmal Khan stole Basmati Rice which was being carried in 841 cartons valued at Rs.18 lakhs. She has also not disputed on instructions that the petitioner was nominated on the basis of a disclosure statement suffered by co-accused Ajmal Khan. It has been further submitted that the next date fixed before the learned Trial Court is 19.03.2024 when some more prosecution witnesses are likely to be examined.

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

5. The petitioner has been in custody since 09.07.2023 in a magisterial trial. The trial is unlikely to conclude in the near future as 15 prosecution witnesses still remain to be examined. 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.

06.03.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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