

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

244

CRM-M-52744-2023 (O&M)
Date of Decision:- 26.09.2024

SADAM BUCHA

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Manish Verma, Advocate for
Mr. Harpreet Maini, Advocate for the petitioner.

Mr. Ankit Grewal, DAG Punjab.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under
Section 439 CrPC for grant of regular bail to the petitioner in the following
case :-

FIR No.	Dated	Sections	Police Station
97	29.08.2023	379-B, 379, 473, 411, 34 IPC	Bahavwala, District Fazilka

2. It is, *inter alia*, contended by learned counsel for the petitioner
that the petitioner is innocent and has been falsely implicated in this case. He
submits that the petitioner is in custody since 29.08.2023 and after the
completion of investigation, challan has already been presented in Court. He
submits that the conclusion of trial is likely to take sufficient long time,



hence prayed for grant of bail to the petitioner.

3. *Per contra*, learned State counsel while referring to the reply dated 18.01.2024 submitted by the State has assailed the arguments advanced by learned counsel for the petitioner by submitting that the petitioner is a habitual offender and had committed theft of diesel from the truck of complainant and then snatched his mobile phone by using force. As such, he does not deserve the concession of bail.

4. Heard learned counsel for the parties and perused the record.

5. After considering the rival contentions and perusing the record, it transpires that as per the allegations levelled in the FIR, the petitioner is alleged to have stolen 250 litres of diesel from the truck of the complainant and later snatched his mobile phone. Admittedly, the petitioner is in custody since 29.08.2023, and after the completion of investigation, challan has already been presented in Court for trial. The criminal liability, if any, of the petitioner, could only be determined after the conclusion of trial, which may take sufficient long time. In the circumstances, no purpose would be served by detaining the petitioner any longer.

6. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.



7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.
8. Pending miscellaneous application(s), if any, stand disposed of.

(SANJIV BERRY)
JUDGE

26.09.2024
S.Sharma(syr)

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |