

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-17335 of 2015

Date of decision:02.06.2015

Rahim Khan

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present: Mr. Chanderhas Yadav, Advocate for the petitioner.

Mr. Deepak K. Grewal, DAG, Haryana.

Navita Singh, J. (Oral)

This petition has been moved by Rahim Khan under Section 439 of the Code of Criminal Procedure seeking regular bail in case FIR No.257 dated 8.6.2014 registered under Sections 148, 149, 332, 353, 395, 397, 186, 307, 283, 435, 427, 120-B IPC and 25, 54, 59 of Arms Act at Police Station Tauru, District Mewat.

It is submitted that from the statements of the witnesses, PW1 to PW9 (copies attached), the identity of the petitioner is not established. None of the witnesses either identified him nor any test identification parade was conducted.

The official who arrested him appeared as PW7 and stated that on 14.6.2014, he had arrested the petitioner, who had suffered a disclosure statement. However, in the cross-examination, he was shown the files of the relevant cases and he admitted that no disclosure statement of the petitioner was on record.

Co-accused – Tarif, who was similarly placed was granted bail by this Court on 21.5.2015 and he was in custody since 7.8.2014.

The petitioner is in custody since 14.6.2014 and has not been granted bail till now. His period of custody is longer than Tarif.

All the main witnesses stand examined and are also police officials and, therefore, there is no chance that the petitioner will try to win over the witnesses.

In view of the above, without commenting on merits, the petition is allowed. Bail to the satisfaction of the trial Court.

02.06.2015
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(NAVITA SINGH)
JUDGE