

**IN THE COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM No.M-27142-2015

DATE OF DECISION : October 20, 2015

JASWANT @ RANA

...Petitioner

VERSUS

STATE OF HARYANA

---Respondent

CORAM : HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present : Mr. Robin Singh Hooda, Advocate
for the petitioner.

Mr. Pawan Gaur, AAG, Haryana.

NARESH KUMAR SANGHI, J (ORAL)

Prayer in the present petition, filed under Section 439,Cr.P.C., is for grant of bail to petitioner Jaswant @ Rana, who has been booked for having committed the offences punishable under Sections 394, 397 and 449 of Indian Penal Code and Section 25 of Arms Act, 1959, in a case arising out of FIR No.208 dated 27.07.2013, registered at Police Station Kharkhoda, District Sonipat.

Learned counsel contends that the allegation against the petitioner was that he in connivance with his co-accused committed dacoity upon Bansilal (PW-5) and the said occurrence was witnessed by Gurdev Singh (PW-8). The petitioner was arrested on 08.10.2013 and since then he is behind the bars. Bansilal, the aggrieved person as well as Gurdev Singh, an eyewitness of the occurrence, has failed to

support the prosecution version. He further points out that the examination of the remaining prosecution witnesses would not improve its case, therefore, the further incarceration of the petitioner is not of any consequence.

Learned counsel for the State, on instructions from Sub Inspector Azad Singh, Police Station, Kharkhoda, District Sonipat and after going through the police file very fairly concedes that the two eyewitnesses, namely, Bansi Lal (PW-5) and Gurdev Singh (PW-8) have failed to support the prosecution version.

In view of the totality of the facts and circumstances of the case, the present petition is accepted. Petitioner Jaswant @ Rana son of Ishwar Singh resident of village Dhamar, District Rohtak, is directed to be released on bail during the pendency of the trial of the present case, subject to his furnishing bonds to the satisfaction of learned Chief Judicial Magistrate, Sonipat/Duty Magistrate.

October 20, 2015
rajneesh

(NARESH KUMAR SANGHI)
JUDGE