

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

CRM-M-28976-2015

Date of decision: 02.09.2015

Raj Kumar

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Ms. Garima Sharma, Advocate
for the petitioner.

Mr. Parveen Aggarwal, DAG, Haryana.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks bail pending trial in FIR No.133 dated 01.06.2015 under Sections 399, 402 IPC and Sections 25, 54, 59 of Arms Act, registered at Police Station Parao Ambala Cantt, District Ambala.

Learned counsel for the petitioner submits that petitioner is neither a previous convict nor facing any other case of similar nature. He has been falsely implicated in the present case. She further submits that as a matter of fact, no such incident took place. She concluded by submitting that since the prosecution evidence is still going on, conclusion of trial will take some time. She prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from SI Inderjit, Police Station Parao Ambala Cantt, District Ambala, submits that petitioner was apprehended at the spot. Recovery has been effected from the petitioner. Allegations against him are direct and serious. Although FIR is dated 01.06.2015, yet challan was presented and thereafter,

charges have been framed and even out of total seven Pws, four PWs have already been examined. Next date of hearing before the learned trial Court is 04.09.2015 and the trial will be concluded very soon. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties and after going through the record of the case, this Court is of the considered opinion that in the given fact situation of the present case, petitioner has not been found entitled for bail pending trial. It is so said because petitioner was apprehended at the spot and recovery was also effected from him. So far as the stage of trial is concerned, it is being conducted without there being any delay. Case was registered only on 01.06.2015 and after framing of the charge, four PWs have already been examined, only three more PWs are to be examined and the next date of hearing before the learned trial Court is 04.09.2015, thus, trial is about to conclude.

In view of the above and without commenting anything further on merits at this stage, lest it should prejudice the rights of either of the parties, no case for bail pending trial is made out.

Dismissed.

[RAMESHWAR SINGH MALIK]
JUDGE

02.09.2015
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