

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-30165-2015

Date of Decision: October 20, 2015

Jitender Pal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Sandeep Thakan, Advocate,
for the petitioner.

Mr. Pawan Gaur, DAG, Haryana,
for the respondent.

1. *Whether Reporters of local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

NARESH KUMAR SANGHI, J (Oral)

Prayer in this petition, filed under Section 439, Cr.P.C.,
is for grant of bail to the petitioner, Jitender Pal, son of Om
Parkash, resident of Dhani Shekhan Dariyapur, Tehsil and District
Fatehabad, who has been summoned under Section 319, Cr.P.C.,
to face trial in a case arising out of FIR No. 274, dated 31.5.2013,
for the offences punishable under Sections 186, 285, 307, 332,
341, 353 and 356 read with Section 34, IPC; Sections 3 and 4 of
the Prevention of Damage to Public Property Act, 1984; and

Sections 25 and 27 of the Arms Act, registered at Police Station, City, Fatehabad.

Learned counsel contends that initially the petitioner joined the investigation under the orders of this Court and a gun and a jeep were recovered from him. However, the Deputy Superintendent of Police, who was the investigating officer, found no incriminating evidence against the petitioner, therefore he was declared innocent and the charge-sheet was not filed against him (petitioner). He further submits that after recording prosecution witnesses, learned Trial Court summoned the petitioner under Section 319, Cr.P.C., to face trial. Thereafter the petitioner was arrested on 18.7.2015 and since then he is behind the bars. He further submits that further incarceration of the petitioner is of no consequence since he is neither required by the police nor his incarceration would facilitate the prosecution to proceed with the trial in any manner.

Learned counsel for the State on instructions from ASI Harnam Singh of Police Station, City, Fatehabad, very fairly concedes that the petitioner is neither required nor involved in any other case and that during investigation he was declared innocent .

After hearing learned counsel for the parties, going through the material available on record and keeping in view totality of the facts and circumstances of the case, the present petition is allowed. The petitioner, Jitender Pal, son of Om Parkash, resident of Dhani Shekhan Dariyapur, Tehsil and District Fatehabad, is directed to be released on bail during pendency of the trial of the present case subject to his furnishing bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Fatehabad.

(NARESH KUMAR SANGHI)
JUDGE

October 20, 2015
Pkapoor