

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

**CRM-M- 30272 of 2015 (O&M)
Date of Decision: 21.9.2015**

Rakesh

--Petitioner.

Vs.

State of Haryana

--Respondent.

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Charanji Lal, Advocate
for the petitioner.

Mr. Ashish Yadav, Additional A.G. Haryana.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner seeks bail pending trial in FIR No. 17 dated 5.2.2015 under Section 392 IPC (later on, Section 392 IPC was deleted and Section 397 IPC was added) and Sections 25/54/59 of the Arms Act, registered at Police Station Kalayat, Kaithal.

Learned counsel for the petitioner places reliance on the order dated 28.7.2015 passed by this Court in CRM-M-14341 of 2015 (Satbir alias Sonu Vs. State of Haryana), whereby co-accused of the petitioner was granted the concession of anticipatory bail. He further submits that story putforth by the prosecution seems to be a concocted one, because even number of the vehicle mentioned by the complainant was not factually correct, in spite of the fact that it was belonging to the complainant himself. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from SI Ved Prakash, submits that petitioner is a habitual offender. Petitioner has already been convicted in many cases. He further

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submits that allegations against the petitioner are serious, because of which he is not entitled for the concession of bail pending trial. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties at considerable length, after careful perusal of record of the case and giving thoughtful consideration to the rival contentions raised, this Court is of the considered opinion that in view of the peculiar facts and circumstances of the case, petitioner has been found entitled for the concession of bail pending trial. It is so said because one of the co-accused of the petitioner was granted the concession of anticipatory bail by this Court vide abovesaid order dated 28.7.2015. It is also a matter of record that complainant gave incorrect number of the truck at the time of registration of the FIR, in spite of the fact that he himself was the registered owner of the truck. Further, since prosecution evidence is yet to start, conclusion of trial will take long time.

In view of the above and without commenting anything further on the merits of the case, at this stage, lest it should prejudice the rights of either of the parties, instant petition is allowed. Petitioner is directed to be released on bail pending trial on his furnishing adequate bail bonds/surety bonds to the satisfaction of learned trial court.

Disposed of, accordingly.

(RAMESHWAR SINGH MALIK)
JUDGE

21.9.2015
AK Sharma