

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

**Criminal Misc. No. M-30450 of 2015
Date of decision: 01.10.2015**

Amit Singh

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see judgment? Yes/No**
- 2. To be referred to reporters or not? Yes/No**
- 3. Whether the judgment should be reported in the Digest? Yes/No**

Present: Mr. Kulvir Narwal, Advocate
for the petitioner.

Mr. Sharad Kumar Yadav, D.A.G., Haryana
for the respondent – State.

Daya Chaudhary, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. on behalf of the petitioner-Amit Singh for grant of regular bail in case FIR No.128 dated 07.05.2015, under Sections 398 and 401 of Indian Penal Code and Section 25 of the Arms Act registered at Police Station Beri, Jhajjar.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case as a quarrel took place on a small issue between the petitioner and complainant. The alleged weapon shown to be recovered from the petitioner was also planted by the Police officials. The complainant is the police official

and even name of driver of alleged private car has not been mentioned. The Investigating Officer came in a private car and even the number of the car has not been mentioned. Learned counsel further submits that no other case is pending against the petitioner and he is a young boy in the age group of 25/26 years and is a sports person. All the witnesses are official witnesses and there is no possibility of influencing them. Learned counsel also submits that the challan has been presented and charges have been framed. The trial will take long time to conclude as out of total 11 witnesses, even a single witness has not been examined so far. The petitioner is in custody since 07.05.2015.

Learned State counsel opposes the submissions made by learned counsel for the petitioner.

Heard arguments of learned counsel for the petitioner as well as learned State counsel and have also perused the allegations levelled in the FIR.

As per allegations levelled in the FIR, the petitioner and his co-accused attempted to loot the police officials whereas the police officials were in police uniform. Co-accused of the petitioner have been released on regular bail by the lower Court. Nothing is to be recovered from the petitioner as challan has been presented and all witnesses are official witnesses and there is no question of influencing the witnesses. Moreover, no other case is pending against the petitioner and he is in custody since 07.05.2015.

Accordingly, the present petition is allowed and the petitioner (Amit Singh) is directed to be released on regular bail subject to furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

However, in case, the petitioner is found to be involved in any other case of similar nature, the State is at liberty to move application for cancellation of bail.

01.10.2015
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(DAYA CHAUDHARY)
JUDGE