

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

**CRM-M- 31483 of 2015 (O&M)
Date of Decision: 21.9.2015**

Arihant Jain

--Petitioner.

Vs.

State of Haryana

--Respondent.

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. A.S.Sullar, Advocate
for the petitioner.

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

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner seeks bail pending trial in FIR No. 7 dated 8.1.2015 under Sections 395/412/120-B/414 IPC, registered at Police Station Farrukh Nagar, Gurgaon.

Learned counsel for the petitioner submits that allegation qua offence under Section 395 IPC is not even alleged against the petitioner. The only allegation against the petitioner is qua an offence under Section 412 IPC. He further submits that petitioner has been dealing in the business of sale and purchase of wires for the last about 30 years and he has never faced any kind of criminal proceedings. This is the reason that the petitioner has been falsely implicated in the present case. He concluded by submitting that since challan is yet to be presented, conclusion of trial will take pretty long time. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Dalip Singh, submits that allegation against the petitioner are direct and serious. He further submits that recoveries have also been effected on the basis of confessional statement. 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 allegation qua offence under Section 395 IPC was against the co-accused of the petitioner. The only allegation against the petitioner is qua an offence under Section 412 IPC. Further, learned counsel for the petitioner has been found justified in contending that since challan is yet to be presented, 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