

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-31899 of 2014

DATE OF DECISION: 15.01.2015

Satish

.....Petitioner

Versus

State of Haryana

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

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

Present:- Mr. Rajesh Lamba, Advocate
for the petitioner.

Mr. Deepak Sabharwal, Addl. A.G., Haryana.

DAYA CHAUDHARY, J.

The present petition under Section 439 Cr.P.C. has been filed for grant of regular bail to the petitioner in case FIR No. 146 dated 10.4.2008 registered under Sections 392/412 IPC at Police Station Sadar Gurgaon, District Gurgaon.

Learned counsel for the petitioner contends that the petitioner has not been named in the FIR and he has been implicated in this case only on the basis of disclosure statement of co-accused and no recovery whatsoever has been effected from him. Learned counsel further contends that neither the mobile nor any other documents have been recovered from the petitioner or at his instance. The co-accused of the petitioner, namely, Sombir, Jatinder and Madal Lal have been granted regular bail by

Additional Chief Judicial Magistrate, Gurgaon. Learned counsel also contends that bail of the petitioner has been declined only on the ground that his past conduct is not good. The petitioner is in custody since 18.5.2014 and no other case of similar nature is pending against him and even the trial has not commenced so far.

Learned counsel for the respondent-State has not disputed the custody period and grant of regular bail to the co-accused but opposes the bail to the petitioner on the ground of seriousness of the offence. Learned State counsel further submits that co-accused of the petitioner, namely, Dinesh and Sataram have jumped the bail and in case the petitioner is ordered to be released on bail then he be asked to furnish heavy surety.

In view of the submissions made by learned counsel for the petitioner and also the fact that co-accused of the petitioner have already been released on regular bail; the petitioner has been implicated only on the basis of disclosure statement of the co-accused; is in custody since 18.5.2014; trial will take long time to conclude as FIR is of the year 2008 and no purpose would be served by keeping the petitioner in custody, the petition is allowed. Petitioner-Satish is directed to be released on regular bail subject to his furnishing heavy surety to the satisfaction of the trial Court.

January 15, 2015
pooja

(DAYA CHAUDHARY)
JUDGE