

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

**Criminal Misc. No. M-37387 of 2015
Date of Decision: 30.11.2015**

Umang Chaudhary

--Petitioner.

Vs.

State of Haryana

--Respondent.

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Manjit Singh, Senior Advocate with
Mr. Samrat Malik, Advocate
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner seeks bail pending trial in FIR No. 33 dated 8.1.2015 under Sections 420/467/468/471/506/120-B IPC, registered at Police Station City Hisar, District Hisar.

Learned senior counsel for the petitioner places reliance on the order passed by the learned Chief Judicial Magistrate, Hisar, whereby main accused in the present case namely Sh. Azad Singh has been discharged. He further submits that petitioner is inside the jail for the last more than 9 months. The case is triable by the Magistrate. He would next contend that although the report under Section 173 (2) Cr.P.C. was submitted on 26.5.2015, yet

charges have not been framed against the petitioner because of which the trial is not going to conclude in the near future. So far as other FIRs against the petitioner are concerned, either the petitioner has been discharged or closure reports have been filed. Petitioner is facing criminal trial only in more case and in the said case, he is already on bail. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from SI Chattarpal, submits that since the allegations against the petitioner are direct and serious, he is not entitled for the concession of bail pending trial. He prays for dismissal of the present petition.

After hearing learned counsel for the parties and going through the record of the case, this Court is of the considered opinion that keeping in view 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 learned counsel for the State could not deny the material fact that petitioner is facing only one more criminal case and in that also, he has already been released on bail. So far as other FIRs against the petitioner are concerned, either the petitioner has been discharged or closure reports have been filed.

Further, since the charges are yet to be framed, conclusion of trial will take some time. It is also not in dispute that case is triable by the Magistrate. It is also a matter of record that learned CJM, Hisar, has discharged Sh. Azad Singh-co accused of the petitioner, in spite of the fact that he was stated to be the main accused in the

present case.

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

30.11.2015
AK Sharma