

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-38888 of 2015

DATE OF DECISION: 30.11.2015

Bhagat Singh

.....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? (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. RS Hooda, Advocate
for the petitioner.

Mr. Vikas Malik, DAG, Haryana.

DAYA CHAUDHARY, J.

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 194 dated 15.3.2015 registered under Sections 398/401 PC and 25/54/49 of Arms Act at Police Station Camp Palwal, District Palwal.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the case and on the same set of allegations, co-accused of the petitioner, namely, Tarun Kumar has approached this Court by way of filing Crl. Misc. No. M-37916 of 2015 for grant of regular bail, which was allowed vide order dated 17.11.2015. .

Learned counsel for the respondent-State has not disputed the factum of grant of regular bail to the co-accused on the same set of

allegations.

Heard the arguments advanced by learned counsel for the petitioner and have also gone through the allegations in the FIR as well as other documents available on the file.

Order dated 17.11.2015 passed in case of co-accused, namely, Tarun Kumar is reproduced as under:-

“This petition has been filed under Section 439 Cr.P.C for grant of regular bail to the petitioner in case FIR No.194 dated 15.03.2015 registered under Sections 398/401 IPC and Section 25 of the Arms Act at Police Station Camp Palwal, District Palwal.

Learned counsel for the petitioner submits that as per allegations in the FIR, three boys were standing on the road with intent to loot the passersby. They were also having illegal weapons. Learned counsel also submits that three boys have been shown to have run away in the presence of police officials, who were in official vehicle. The FIR was registered on the basis of secret information. Neither any specific time has been mentioned in the FIR nor it has been mentioned therein that the complainant overheard any planning or conversation between the accused persons. Nothing is to be recovered from the petitioner as he was arrested from the spot. The petitioner is in custody since 15.03.2015. Out of total 11 witnesses, only one witness has been examined and the trial may take long time to conclude.

Learned counsel for the respondent-State has not disputed the custody period and other submissions made by learned counsel for the petitioner but opposes grant of bail to

the petitioner on the ground that other cases of similar nature are pending against him.

In view of the submissions made by learned counsel for the petitioner and keeping in view the allegations; the custody period and also the fact that out of total 11 witnesses, only one witness has been examined and trial may take long time to conclude and no useful purpose would be served by keeping the petitioner in custody, the present petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court.”

The case of the petitioner is at par with co-accused and as such the present petition also deserves to be allowed. Accordingly, petitioner-Bhagat Singh is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of trial Court.

November 30, 2015
pooja

(DAYA CHAUDHARY)
JUDGE