

CRM-M-39023-2014

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

CRM-M-39023-2014

Date of Decision: 22.01.2015

Jogender

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

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

Present: Mr. H.N.Sahu, Advocate,
for the petitioner.

Mr. Sandeep S. Mann, Sr. DAG, Haryana.

Paramjeet Singh, J. (Oral)

Present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in a case arising out of FIR No.69 dated 03.08.2010, registered at Police Station Behal, Tehsil Loharu, District Bhiwani, under Sections 411, 420, 467 and 471 of the Indian Penal Code.

Learned counsel for the petitioner contends that charge has been framed and the petitioner has been behind bars since 11.07.2014. the petitioner is not required for any further interrogation. Learned counsel further contends that co-accused similarly situated to the petitioner have already been acquitted of the charges vide judgment

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dated 03.04.2013 (Annexure P-2). Learned counsel further contends that the prosecution did not produce the entire prosecution witnesses on the date fixed i.e. 01.12.2014 before the trial Court and thereafter three dates were also given but the prosecution has not complied with the order dated 25.11.2014.

Per contra, learned State counsel vehemently opposes the contentions of learned counsel for the petitioner and contends that the petitioner is not entitled for bail.

Vide order dated 25.11.2014, the prosecution was directed to ensure the presence of entire prosecution witnesses on the date fixed i.e. 01.12.2014 before the trial Court, but the prosecution has not complied with the same. Taking into consideration the fact that the prosecution has not produced the witnesses on the date fixed before the trial Court and the petitioner has been behind bars since 11.07.2014 and the fact that some of the co-accused similarly situated to the petitioner have already been acquitted and also the fact that trial would not be concluded in near future, the petitioner can be granted concession of bail.

Without expressing any opinion on merits of the case, the petition is allowed. Petitioner is ordered to be released on bail, on his furnishing bail bonds/surety bonds, to the satisfaction of trial Court/Duty Magistrate/Chief Judicial Magistrate, Bhiwani.

22.01.2015

parveen kumar

(Paramjeet Singh)
Judge