

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

CRM-M No. 6461 of 2015
Date of decision: 12.05.2015

Majid Khan Petitioner.

Versus

State of Haryana Respondent.

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present:- Mr. Sarfraj Hussain, Advocate, for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana, for the respondent.

NAVITA SINGH, J. (ORAL)

The petitioner is in custody since 19.09.2014.

As per the FIR, some unknown persons had stolen the tractor trolley and JCB machine for attacking the persons present on the spot, at gun point.

Recovery of two tractor trolleys was allegedly made from the petitioner on disclosure statement. However, no independent person witnessed the recovery and the witnesses examined by the prosecution were the persons who were attacked and they did not know who the assailants were.

Owner of one of the tractors, namely, Hawa Singh, stated that the police had told him that his tractor and trolley were found parked in abandoned condition near the highway.

Counsel for the petitioner submits that in view of the statement of owner of one of the tractors, recovery becomes doubtful.

Only five witnesses out of a list of twenty-three have been

examined so far and the trial is likely to take time to conclude.

In view of the above, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of Chief Judicial Magistrate, Gurgaon.

Nothing given above to be taken as an expression on the merits of the case.

(NAVITA SINGH)
JUDGE

12.05.2015
Ramesh