

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

CRM No.M-13451 of 2016

Date of decision: 15.07.2016

Devender

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Deepender Singh, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana
assisted by ASI Pritam Singh.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in case FIR No.680, dated 19.11.2015, registered under Sections 364-A, 506 read with Section 34 IPC and Section 25 of Arms Act, at Police Station Sadar Palwal, District Palwal.

It is contended that the petitioner is neither named in the FIR nor in the statement of detenue(s)/abductees, recorded under Section 164 Cr.P.C. The petitioner has been falsely implicated on the basis of disclosure statement of co-accused Davinder Singh. The petitioner is in custody since 30.12.2015.

On the other hand, the learned State counsel opposes the prayer of bail and submits that the petitioner actively participated in

the crime. The four abductees were kept in illegal custody for two days. The challan stands presented; charges have been framed; out of total 25 PWs, only 02 have been examined so far.

I have heard learned counsel for the parties and perused the record.

Considering the fact that the only incriminating evidence against the petitioner is the disclosure statement of co-accused, Davinder; out of total 25 prosecution witnesses, only two have been examined so far, therefore, it can be safely inferred that that trial is not likely to be concluded in the near future, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on his furnishing bail bonds and surety bonds, to the satisfaction of the trial Court.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

15.07.2016

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(JITENDRA CHAUHAN)
JUDGE