

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

**CRM-M No.16303 of 2015 (O&M)
Date of Decision: 12.05.2016**

Rajesh @ Bharti

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Aman Pal, Advocate for the petitioner.

Mr. Yashwinder Singh, Deputy Advocate General, Haryana
for the respondent/State assisted by A.S.I. Ashok Kumar.

JASWANT SINGH, J. (Oral)

Present petition is for grant of regular bail under Section 439 Cr.P.C. on behalf of the petitioner/accused-Rajesh @ Bharti in case FIR No.304 dated 19.07.2014, under Sections 399, 402, 285 of the Indian Penal Code and Section 25 (54) of the Arms Act, registered with Police Station City Rohtak, District Rohtak.

On a secret information that some criminals were preparing and conspiring to commit dacoity, a raid was conducted and three accused including the petitioner/accused-Rajesh @ Bharti were apprehended at the spot while two allegedly fled away.

The recovery of one country made pistol, one live cartridge and one used cartridge were recovered from the petitioner/accused.

It is contended that the petitioner is in custody since 19.07.2014 i.e. for the last 01 year and 10 months and only 05 out of 15 prosecution witnesses have been examined so far. It is further contended that rest of 04 accused have since been enlarged on bail.

Out of 12 cases pending against the petitioner, it is submitted that the petitioner/accused has been acquitted in 08 cases, in the other three, he has been enlarged on regular bail and in one of theft, he was sentenced and undergone due to plead of guilt.

Learned State Counsel, assisted by ASI Ashok Kumar, does not refute the aforesaid factual situation.

Without commenting on the merits of the case, keeping in view the parity of treatment, custody period and the fact that trial is not likely to be concluded in near future, this Court finds that petitioner/accused deserves the concession of regular bail and as such he is ordered to be released on bail to the satisfaction of CJM/Duty Magistrate concerned.

Disposed of.

May 12, 2016

Gagan

(JASWANT SINGH)
JUDGE