

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

CRM-M-17434 of 2016 (O&M)
Date of decision : 14.07.2016

Rakesh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. S. R. Hooda, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana
assisted by SI Satbir Singh.

JITENDRA CHAUHAN, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure (for short, 'the Cr.P.C.') seeking regular bail in case FIR No.68 dated 25.02.2016, registered under Sections 147/148/188/379-B/427 of the Indian Penal Code (for short 'IPC') read with Section 149 IPC, at Police Station Murthal, District Sonipat.

The learned counsel for the petitioner contends that the present FIR was registered on the basis of disclosure statement recorded in FIR No.67 dated 25.02.2016, wherein the petitioner has already been admitted to bail by this Court vide order dated 30.05.2016. The petitioner is in custody since 01.03.2016. Lastly, he states that no recovery has been effected from

the petitioner, which fact is not disputed by the learned State counsel.

On the other hand, the learned State counsel opposes the bail and submits that the challan stands presented and out of 16 witnesses none has been examined so far.

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

The evidentiary value of the disclosure statement allegedly made against the petitioner would be an issue for consideration before the trial Court.

Keeping in view the facts that the petitioner is in custody since 01.03.2016, challan stands presented and all the witnesses are yet to be examined, therefore, it can be safely inferred that the trial is not likely to be concluded in the near future.

In view of above, 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/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.

14.07.2016

ashok

(JITENDRA CHAUHAN)
JUDGE