

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

CRM-M No. 18292 of 2016 (O&M)

Date of Decision: 30.05.2016

Rakesh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Shilak Ram Hooda, Advocate
for the petitioner.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana
for the respondent/State assisted by ASI Satbir Singh.

JASWANT SINGH, J. (ORAL)

Prayer in this petition under Section 439 of Cr.P.C. filed on behalf of the petitioner-accused-Rakesh is for grant of regular bail in case FIR No. 67, dated 25.02.2016, for offences punishable under Sections 147, 148, 149, 188, 379-B, 427 of the Indian Penal Code read with Section 149 of the Indian Penal Code, registered at Police Station Murthal, Tehsil and District Sonapat.

The petitioner is alleged to be a part of mob, who vandalized the petrol pump of the complainant-Jaspal on the early hours of the morning i.e. between 2-3 p.m. on 21.02.2016 and caused a loss of Rs. 5-6 lacs.

On a secret information, the petitioner was arrested and a recovery of one stabalizer, a can of mobil-oil and a *danda* belonging to the petrol pump was effected.

It is contended that prior to 19.02.2016, the petitioner has no criminal antecedents and after the arrest in the present case, one more case of similar nature foisted upon him. It is further contended that no offence under Section 379-B, IPC is attracted in the present case. It is next submitted that the petitioner is in custody since 28.02.2016 and the evidence of ten (10) cited prosecution witnesses is yet to commence.

Learned State Counsel, assisted by ASI Satbir Singh, does not refute the role attributed to the petitioner, custody period of the petitioner and stage of trial.

Without commenting on the merits of the case, keeping in view the facts noticed above; custody period and role attributed to the petitioner, no useful purpose would be served by keeping the petitioner-accused in custody since the trial is not likely to be concluded in near future, the present petition is allowed and the petitioner is ordered to be released on bail subject to satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned.

May 30, 2016

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**(JASWANT SINGH)
JUDGE**