

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

CRM-M-26635 of 2016 (O&M)

Date of decision : 09.08.2016

Gulshan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Surender Saini, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana
assisted by HC Munish Kumar.

JITENDRA CHAUHAN, J. (Oral)

The present petition filed under Section 439 of the Code of Criminal Procedure (for short, 'the Cr.P.C.') seeking regular bail in case FIR No.123 dated 31.03.2016, registered under Sections 399 and 402 of the Indian Penal Code (for short 'the IPC') and Section 25 of the Arms Act, at Police Station Ganaur, District Sonipat.

The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case which is clear from the contents of the FIR. Allegedly a pistol of .315 bore has been shown to be recovered from the petitioner. He states that similarly earlier also, the petitioner was falsely implicated in case FIR No.68 dated 19.05.2011 and FIR No.81 dated 12.06.2011, wherein he had been acquitted and certified copies of the judgments have been filed in the Court, which are taken on

record as Mark 'A' and Mark 'B'.

The learned State counsel, on instructions, states that the petitioner is on bail in third FIR i.e. FIR No.291 dated 18.10.2013, registered under Section 25 of the Arms Act. He further submits that challan has been filed and out of nine prosecution witnesses, none has been examined so far.

Heard.

One of the facts for refusal of the bail to the petitioner by the trial Court is that he is involved in other cases. Considering the facts that the petitioner has been acquitted in FIR Nos.68 and 81; he is already on bail in third FIR; he is in custody since 31.03.2016; challan stands presented; and out of nine prosecution witnesses, none has been examined so far, no useful purpose would be achieved in keeping the petitioner behind the bars.

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.

09.08.2016

ashok

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned: Yes / No

Whether reportable: Yes / No