

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

CRM M-27473 of 2016.

Decided on: 19.08.2016.

Rajinder

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. SK Verma, Advocate,
for the petitioner.

Mr. Naveen Kaushik, Addl. AG Haryana.

JITENDRA CHAUHAN.J.(ORAL)

This is a petition under Section 439 Cr.P.C for grant of regular bail in FIR No.330 dated 29.10.2010 registered under Section 427 IPC and Section 3, 5 and 6 of the Explosive Substances Act, 1908 at Police Station Safidon, District Jind.

Learned counsel for the petitioner contends that as the petitioner was not named in the FIR, the petitioner remained under a bona-fide belief that he was not required in any FIR. He further states that the PO proceedings were carried out at the back of the petitioner without effecting service upon him. It is further contended that six persons were nominated in the FIR. Subsequently, on the disclosure statement of co-accused Pawan, the petitioner was introduced in the present FIR. He further states that all the six persons who suffered trial stand acquitted. The State of Haryana has not filed any appeal.

On the other hand, the learned State counsel submits that the petitioner remained PO so, he does not deserve the concession of bail.

Considering the fact that the challan in the matter has not been filed and that co-accused who were named in the FIR stands acquitted and the petitioner is in custody since 28.07.2016, it is the ordered that the petitioner be released on interim bail to the satisfaction of trial Court till presentation of challan. However, in case the challan against the petitioner is filed, the petitioner shall be again at liberty to file regular bail.

Disposed of.

19.08.2016.
SN

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned : Yes/No.

Whether refer to reporter : Yes/No