

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

CRM-M No. 3101 of 2016 (O&M)

Date of Decision: 29.02.2016

Shamsher, ASI

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Sailender Singh, Advocate
for the petitioner.

Mr. Satish Saini, Deputy Advocate General, Haryana
for the respondent/State assisted by HC Rajesh.

JASWANT SINGH, J. (ORAL)

Prayer is for grant of regular bail on behalf of the accused/petitioner-Shamsher in case FIR No. 180, dated 15.05.2015, for offences punishable under Sections 417, 420, 388, 120-B of the Indian Penal Code, registered at Police Station Tosham, District Bhiwani.

As per allegations, petitioner-accused alongwith co-accused/non-applicants-Ramesh, Krishan, Kuldip and Krishna, in a premeditated manner, hatched a conspiracy and laid a honey trap wherein complainant-Dharambir was found in a room with the co-accused/non-applicant-Krishna and thereafter, they repeatedly extracted money from him.

It is submitted that co-accused/non-applicants-Ramesh, Krishan, Kuldip and Krishna have since been enlarged on bail; case is triable by a Magistrate; petitioner is in custody since 20.05.2015; and after framing of charge evidence of fifteen cited prosecution witnesses is yet to commence. Further, petitioner is stated to be not involved in any other case.

Learned State counsel, assisted by HC Rajesh, is unable to refute the aforesaid factual position.

Without expressing anything on the merits of the case, keeping in view the parity of treatment; the fact that the challan has been presented and the trial is not likely to be concluded in near future, no useful purpose would be served by keeping the petitioner in custody; the present petition is allowed and petitioner is ordered to be released on bail subject to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Bhiwani.

February 29, 2016

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**(JASWANT SINGH)
JUDGE**