

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

CRM No. M-32255 of 2016

Date of decision:- September 16, 2016

Irfan @ Chetta

.....Petitioner..

Vs.

State of Haryana

....Respondent..

CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Mr. Rao Ajender Singh, Advocate,
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

JASPAL SINGH, J. (Oral)

Through instant petition preferred under Section 439 of the Code of Criminal Procedure, petitioner-Irfan @ Chetta has sought regular bail in case FIR No.0125, dated 19.04.2016, under Section 395 IPC (Sections 365 and 412 IPC added later on), Police Station Dharuhera, District Rewari, Haryana, during the pendency of trial.

2. From the perusal of the record, the allegation which emerges against the petitioner is that he after purchasing the looted HIWA, sold away the same to Sunder for a sum of ₹2,25,000/- after having connived with his co-accused Sajid.

3. Undisputably, the petitioner is suffering incarceration since the date of his arrest i.e. 16.05.2016. Investigation is complete and report under

Section 173 (2) Cr.P.C. has already been presented and the trial court is seized of the matter. The name of the petitioner did not figure in the FIR and a separate charge has been framed by the trial court to face trial under Section 412 IPC. Meaning thereby, no offence falling under Section 395 IPC is made out against the petitioner. Moreover, disposal of trial is not likely in the near future.

4. Taking into consideration all the aforesaid aspects but without expressing any opinion on the merits of the case, petition is allowed and petitioner is ordered to be released on bail, during pendency of trial, at the satisfaction of trial court/Duty Magistrate.

September 16, 2016
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reasonable: Yes/No