

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

CRM-M-33133-2016 (O&M)
Date of decision : 28.09.2016

Gurdeep @ Bitto

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Dr. Deipa Singh, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana,
assisted by ASI Anil Kumar.

JITENDRA CHAUHAN, J. (Oral)

The instant petition has been preferred under Section 439 Cr.P.C. seeking regular bail in FIR No.1240 dated 21.12.2015, registered under Sections 420, 467, 468, 471 ad 120-B of the Indian Penal Code and Section 61(1) of the Punjab Excise Act, 1914, at P.S. Jhajjar.

Contents that the petitioner is not named in the FIR. He has been roped in the present case on the basis of the disclosure statement of co-accused Manjit and Sarabjit. He is in custody since 19.08.2016. The challan is yet to be presented against the petitioner.

On the other hand, learned State counsel, on instructions, states that the petitioner was the supervisor. He was actively coordinating and assisting the smuggling in the present case.

Heard.

Keeping in view the fact that the petitioner is not named in the FIR and was not arrested from the spot, he is in custody since 19.08.2016 and the challan is yet to be presented, 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 and surety bonds, to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Jhajjar.

However, nothing noticed hereinabove shall be construed as an expression of opinion of this Court, on the merits of the case.

28.09.2016

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(JITENDRA CHAUHAN)

JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No