

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

CRM No. M-33802 of 2016

Date of decision:- September 28, 2016

Mogli

.....Petitioner..

Vs.

State of Haryana

....Respondent..

CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Mr. Sudhir Sharma, Advocate,
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

JASPAL SINGH, J. (Oral)

By virtue of instant petition preferred under Section 439 of the Code of Criminal Procedure, Mogli-petitioner has sought regular bail, in case FIR No. 250, dated 03.10.2015, under Sections 394, 398 and 511 IPC and Section 25 of the Arms Act, 1959, Police Station Sadar, Yamuna Nagar, during the pendency of trial.

2. At the very outset of the arguments, it has emerged that the petitioner is not named in the FIR. However, on the basis of disclosure statements alleged to have been suffered by his co-accused namely Naveen and Khusrat, petitioner was nominated as one of the accused in the instant case. Though, he was subjected to custodial interrogation but nothing incriminating was recovered from him. Moreover, motor cycle (Apache),

which is alleged to have been used during the course of occurrence was not recovered from the petitioner. Rather, it was recovered from abandoned place. The petitioner was arrested in this case on 08.03.2016. After completion of investigation, report under Section 173 (2) Cr.P.C. has already been presented, the conclusion of which is likely to take some time. Even otherwise, no useful purpose would be served by keeping the petitioner behind the bars for an indefinite period.

3. Taking into consideration all the aforesaid aspects of this case 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 28, 2016
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reasonable: Yes/No