

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

CRM No. M-35501 of 2016

Date of decision:- October 07, 2016

RAJESH

.....PETITIONER..

VS.

STATE OF HARYANA

....RESPONDENT..

CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Mr. S.S. Sahu, 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-Rajesh (presently confined in Central Jail, Hisar) has sought bail during the pendency of trial, pertaining to FIR No.34, dated 15.04.2016, under Sections 399 and 402 IPC, Police Station GRP, Hisar, Tehsil and District Hisar.

2. Allegations against the petitioner are that he accompanied by six other persons was present at the Railway Station Jakhal on 14.04.2016 at about 10:00 P.M. while planning to commit dacoity. In pursuance of secret information, a raid was conducted by the police party headed by ASI Charan Singh and all the seven persons including the petitioner were arrested at the spot. Recovery of an iron rod is stated to have been effected

from the petitioner at the time of his arrest. No other incriminating article was recovered from the petitioner. On completion of the investigation, report under Section 173(2) Cr.P.C. has already been presented, disposal of which is likely to take sufficient long time. Moreover, co-accused of the petitioner namely Krishan has already been granted the concession of bail by this Court vide order dated 27.07.2016 passed in CRM-M-24496-2016. The case of the petitioner is not on different footings than that of aforesaid Krishan.

4. Taking into consideration aforesaid aspects but without expressing any opinion on the merits of the case, this Court finds it a fit case to grant the concession of bail. Accordingly, petition is allowed and petitioner is ordered to be released on bail, during pendency of trial, at the satisfaction of trial Court/Duty Magistrate, Fatehabad.

October 07, 2016

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**(JASPAL SINGH)
JUDGE**

Whether speaking/reasoned: Yes

Whether reasonable: No