

CRM-M-37304-2016

Date of decision: October 27, 2016

Khusrat

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Manoj Kumar Pundir, Advocate
for the petitioner.Ms. Harpreet Kaur, AAG, Haryana
for the respondent-State.JASPAL SINGH, J.(ORAL)

By virtue of the instant petition preferred under Section 439 of the Code of Criminal Procedure, petitioner has sought bail, in case FIR No.250 dated 03.10.2015, under Sections 394, 398, 511 of Indian Penal Code and Section 25(54) of Arms Act, registered at Police Station Sadar Yamuna Nagar, District Yamuna Nagar.

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 Mogli, 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. Moreover, co-accused of the petitioner who is similarly situated, namely, Mogli has already been granted the concession of bail by this Court vide order dated 28.09.2016 passed in *CRM-M-33802 of 2016*.

Taking into consideration all these aspects of the case but without expressing any opinion on merits, petition is allowed and petitioner is ordered to be released on bail on his furnishing requisite bail bonds, during pendency of trial, at the satisfaction of concerned Id. trial Court/Duty Magistrate.

October 27, 2016
m. sharma

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No