

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

CRM-M-39308-2016 (O&M)
Date of decision : 10.11.2016

Surender

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Sandeep Kotla, Advocate for the petitioner.

Mr. Pawan Garg, AAG, Haryana,
assisted by ASI Suresh Kumar.

JITENDRA CHAUHAN, J. (Oral)

The instant petition has been preferred under Section 439 Cr.P.C. seeking regular bail in FIR No.52 dated 01.04.2016, registered under Sections 392 and 379A of the Indian Penal Code and Section 25 of the Arms Act, at P.S. Lakhan Majra, Distt. Rohtak.

Contends that there is an unexplained delay of one day in lodging the FIR. The petitioner is not named in the FIR. He has been roped in the present FIR on the basis of the disclosure statement of co-accused Narender. The recovery of one Alto car has been allegedly effected from the petitioner, however, the registration number of the vehicle is not reflected in the FIR. He further states that the ATM card allegedly snatched away by co-accused was not used. The petitioner is in custody since 28.06.2016. He is not involved in any other FIR.

On the other hand, learned State counsel has opposed the instant petition. On instructions, learned State counsel submits that an Alto

ATUL K. SETHI
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authenticity of this document
Chandigarh

car has been recovered from the petitioner. Out of 10 prosecution witnesses, five have already been examined.

Heard.

The petitioner is not named in the FIR. He is behind the bars since 28.06.2016. He is not involved in any other case. Out of 10 prosecution witnesses, only 5 have been examined so far, therefore, it can safely be inferred that the conclusion of the trial may take considerable time.

Keeping in view the above and 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 trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

However, anything noticed hereinabove shall not be construed as an expression of opinion on the merits of the case.

10.11.2016
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No