

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Misc. No.M-39635 of 2016
Date of Decision: 18.11.2016

Surender

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Sushil Jain, Advocate
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.496 dated 27.11.2014 under Sections 419/420/467/471/120-B/34 IPC registered at Police Station Sonipat City, Sonipat.

Learned counsel for the petitioner contends that the petitioner is in custody since 24.12.2015 and he has been charged only for offence under Sections 420 read with Section 120-B IPC, though the FIR was registered under Sections 419/420/467/471/120-B/34 IPC.

Learned State counsel, on instructions from ASI Balwan Singh, submits that bail application of co-accused of the petitioner namely

Santosh has been dismissed by this Court vide order dated 12.5.2016 passed in CRM-M-337-2016 *Santosh v. State of Haryana* and case of the petitioner is at par with his co-accused namely Santosh.

I have heard learned counsel for the parties.

There is no dispute that the petitioner is in custody since 24.12.2015 and charge has been framed against him under Section 420 read with Section 120-B IPC on 21.9.2016. The plea of learned State counsel that the bail application of co-accused of the petitioner has already been dismissed by this Court is of no consequence for the reason that the said bail was declined before framing of the charge. Therefore, considering the fact that charge has been framed against the petitioner and the case is triable by a Magistrate, coupled with the fact that conclusion of trial will take sufficiently long time, I deem it appropriate to release the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to furnishing of his bail bonds/surety bonds to the satisfaction of the trial Court.

It is made clear that observations made hereinabove shall not be construed as any expression on the merits of the case.

November 18, 2016
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No