

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

CRM-M-39723-2016 (O&M)
Date of decision : 11.11.2016

Pawan Kumar @ Summy

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Sumit Gupta, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana
assisted by ASI Raj Kumar.

JITENDRA CHAUHAN, J. (Oral)

The instant petition has been preferred under Section 439 Cr.P.C. seeking regular bail in FIR No.191 dated 29.02.2016, registered under Sections 188, 435, 436, 454, 380 and 148 read with Section 149 of the Indian Penal Code, at P.S. Jhajjar.

It is contended that the petitioner was arrested on 09.03.2016, in FIR No.125 dated 25.02.2016, under Sections 188, 295, 323, 452, 435, 436 and 148 read with Section 149 IPC, at P.S. Jhajjar and FIR No.247 dated 07.03.2016, under Sections 188, 295 and 148 read with Section 149 IPC, at P.S. Jhajjar. The petitioner was released on bail in FIR No.247 (ibid) on 06.04.2016 and FIR No.125 (ibid) on 11.08.2016. Thereafter, the Investigating Officer of the above FIRs obtained production warrants of the petitioner on 12.08.2016, and implicated the petitioner in the instant FIR without, any evidence. It is submitted that except the alleged disclosure statement of the petitioner, there is nothing on record against the petitioner qua the present FIR. He is in custody since 19.08.2016, in the instant case.

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On the other hand, learned State counsel has opposed the instant petition. On instructions, learned State counsel submits that there are serious allegations against the petitioner. The challan stands presented but the charges are yet to be framed.

Heard.

The petitioner is behind the bars since 19.08.2016. He has been implicated in the instant case on the basis of his disclosure statement. He is on bail in FIR Nos.247 and 125 (ibid). Though, the challan stands presented, but the charges are yet to be framed, therefore, it can safely be inferred that the conclusion of the trial may take a 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.

11.11.2016
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(JITENDRA CHAUHAN)
JUDGE

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