

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

CRM No. M-42378 of 2016

Date of decision:- November 30, 2016

SABIR HUSSAIN

....PETITIONER..

VS.

STATE OF HARYANA

....RESPONDENT..

CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Mr. Saleem Ahmed, Advocate,
for the petitioner.

Ms. Neelam Kashyap, DAG, Haryana.

JASPAL SINGH, J. (Oral)

By virtue of instant petition preferred under Section 439 of the Code of Criminal Procedure (for short, "Cr.P.C."), petitioner-Sabir Hussain has sought concession of bail during pendency of trial, in case FIR No.735, dated 21.09.2016, under Section 13 of the Haryana Gouvansh Sanrakshan and Gausamvardhan Act and Section 120-B IPC, Police Station Sector 55, Faridabad.

2. Concededly, the petitioner was arrested in this case on 21.09.2016 and after subjecting him to custodial interrogation, he was remanded to judicial custody. Meaning thereby, he was no more required for further interrogation/investigation. Moreover, after completion of investigation, report under Section 173 (2) Cr.P.C., has already been presented before the ld. Jurisdictional Magistrate. Even otherwise, The disposal of challan is also not likely in a short span of time, especially

keeping in view the pendency of cases in trial court. Moreover, co-accused of the petitioner namely Aslup @ Allu and Wahid @ Kala have already been granted the concession of bail by Id. Additional Sessions Judge, Faridabad vide order(s) dated 24.10.2016 and 04.11.2016. The case of the petitioner is not on different footings than that of his co-accused.

3. In the given circumstances, it would not be desirable to keep the petitioner behind the bars for an indefinite period.

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

November 30, 2016
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reasonable: Yes/No