

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

CRM No. M-43545 of 2016

Date of decision:- December 16, 2016

HAROON

....PETITIONER..

VS.

STATE OF HARYANA

....RESPONDENT..

CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Mr. Moti Lal Saini, Advocate,
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

JASPAL SINGH, J. (Oral)

Through instant petition preferred under Section 439 read with Section 482 of the Code of Criminal Procedure, the petitioner has sought concession of bail, during the pendency of trial, in case FIR No.765, dated 24.12.2015, under Sections 395, 397, 412 IPC and Section 25 of the Arms Act, 1959, Police Station Nuh.

2. Undoubtedly, the name of the petitioner did not figure in the FIR and the petitioner has been nominated as one of the accused only on the basis of disclosure statement suffered by his co-accused Tahir. Moreover, the truck in question, which is alleged to have been robbed of from the complainant has been recovered from the co-accused Roop Singh, with the assistance of a GPS System, who is stated to be at large. The petitioner was arrested in this case on 25.01.2016 and after subjecting him to custodial interrogation, he was remanded to judicial custody. Meaning thereby, he

was no more required for further interrogation/investigation. On conclusion of investigation, though report under Section 173 Cr.P.C. has already been presented in the month of April 2016 and charges were also framed but to the utter surprise, till date, not even a single witness has been examined. Otherwise also, conclusion of trial would certainly take considerable time keeping in view the number of witnesses cited in the list of prosecution witnesses annexed with the report. Moreover, no recovery of any incriminating article including any kind of weapon has been effected. Thus, in the given circumstances, this Court is of the considered view that it would not be desirable to keep the petitioner behind the bars for an indefinite period.

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

December 16, 2016
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No