

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

CRM No. M-45493 of 2016

Date of decision:- December 23, 2016

AMAN @ BACHI

....PETITIONER..

VS.

STATE OF HARYANA

....RESPONDENT..

CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Mr. Rajat Mor, Advocate,
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

JASPAL SINGH, J. (Oral)

Through instant petition preferred under Section 439 of the Code of Criminal Procedure (for short, "Cr.P.C."), the petitioner has sought concession of bail during pendency of trial, in case FIR No.453, dated 27.10.2014, under Sections 392, 397 IPC and Section 25 of the Arms Act, Police Station Tosham, District Bhiwani.

2. Concededly, the name of the petitioner did not figure in the FIR and he has been nominated as one of the accused on the basis of disclosure statement alleged to have been made by his co-accused Rajesh @ Kokan, that too, in another case bearing FIR No. 365, dated 18.05.2015, under Section 25 of the Arms Act, Police Station Jind, Haryana. He was arrested in this case on 05.07.2015 and after subjecting him to custodial interrogation, he was remanded to judicial lock-up. Meaning thereby, he was no more required for further interrogation/investigation. Subsequently,

on conclusion of investigation, report under Section 173 (2) Cr.P.C. has already been presented against the accused before the Id. Jurisdictional Magistrate. It has also emerged during the course of arguments that Amit, who is the author of FIR and Pawan Kumar alleged injured appeared before the trial court as PW-3 and PW-4 respectively but to the utter surprise that they did not toe the line of prosecution and ultimately, declared hostile at the instance of Id. Public Prosecutor. Even, they neither named the petitioner as one of the culprit nor have identified him in the court as one of the assailants. Even otherwise, petitioner is suffering incarceration of approximately 1½ year. The trial is not likely to be concluded in a short span of time as the prosecution is still to lead its evidence.

3. Though, there are two other cases registered against the petitioner but in one of the case he has already been acquitted whereas in another case, he has been granted the concession of bail by this Court vide order dated 14.09.2016.

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/CJM/Duty Magistrate.

December 23, 2016
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No