

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

CRM-M-11320-2017 (O&M)
Date of decision: 07.04.2017

ARVIND SHARMA @ HONEY

...Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present : Mr. Tarunveer Vashisht, Advocate
for the petitioner (s).

Mr. Naveen Kaushik, Addl. A.G., Haryana

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in FIR No.28 dated 17.01.2015, registered under Sections 302, 120-B and 303 read with Section 34 IPC and Section 25 of the Arms Act, at Police Station Mahesh Nagar, Distt. Ambala.

Contentends that the petitioner is not involved in any other FIR. There is nothing on record against the petitioner except the disclosure statement of co-accused, to the extent that the petitioner along with co-accused, Saurabh Kumar was seen in the company of main accused, Kuldeep Singh. The recovery of mobile phone with sim allegedly used in the crime has been shown to be effected from the petitioner. Co-accused, Saurabh

Kumar with similar allegation was allowed bail by this Court vide order dated 03.12.2015 (Annexure P-6) passed by the Co-ordinate Bench. The petitioner is in custody since 28.01.2015.

On the other hand, the learned State counsel, on instructions, admits the factum of custody and states that case of the petitioner is at par with co-accused, Saurabh Kumar, who has been admitted to bail. Challan has been filed, however, till date no witness has been examined.

Heard.

The long period of incarceration of the petitioner and the fact that co-accused Saurabh Kumar, who as per learned State counsel is at par with the petitioner has been admitted to bail, is a favourable circumstance in favour of the petitioner at this stage. The trial is not likely to be concluded in near future. Therefore, the Court feels that no purpose would be served in keeping the petitioner behind the bars. Accordingly, 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.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

07.04.2017

ashok

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No