

CRM-M-15777-2017 (O&M)
Date of Decision : 01.06.2017

Amit @ Rahul

.....Petitioner

versus

State of Haryana

....Respondent

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI**Present:** Mr. Divya Sharma, Advocate
for the petitioner.

Mr. Kapil Bansal, DAG, Haryana.

M.M.S. BEDI, JUDGE (ORAL)

This is second application seeking concession of regular bail, *inter alia*, on the ground that co-accused of the petitioner, who is allegedly kingpin of the entire case i.e. Kaji Mohd. Nafees, has been granted the concession of bail in his fifth application by Sh. Manish Kumar, the then Additional Sessions Judge, Faridabad vide order dated 27.01.2017.

It appears that the application of Kaji Mohd. Nafees had been dismissed by this Court on 28.01.2016. Without noticing the orders of this Court dated 28.01.2016 dismissing bail application of Kaji Mohd. Nafees on merits, he has been released on bail on the ground that his co-accused has been released on bail by the High Court on 09.12.2016. The order passed by Sh. Manish Kumar, the then Additional Sessions Judge, Faridabad appears to be illegal and improper.

Let comments of Sh. Manish Kumar, the then Additional

Sessions Judge, Faridabad, explaining the circumstances in allowing the fifth application of Kaji Mohd. Nafees for regular bail, ignoring the fact that his bail application had been dismissed on 28.01.2016 by this Court be called for.

The miscellaneous application (CM-18746-2017) for placing on record copy of statement of complainant - Surinder Singh Chauhan, is allowed and the document Annexure P-7 is taken on record.

Learned counsel for the petitioner has submitted that the other eye witness Ishwar has also been examined.

After considering the facts and circumstances of this case, I am of the considered opinion that the complainant and eye witness having already been examined and the petitioner having not been attributed any specific injury on the person of complainant and he being in custody with effect from 09.08.2015 and few of co-accused having already been granted bail, he can also be granted the same relief as chances of tampering with the evidence are remote. A condition can be imposed on the petitioner that he will not in any manner tamper with the evidence or threaten other witnesses likely to appear. It is pertinent to observe here that this Court while disposing of his earlier application for bail, had issued direction that trial should be concluded within a period of three months, which period has already elapsed.

Taking into consideration the totality of the above circumstances, the petition is allowed. It is ordered that petitioner, Amit @ Rahul, will be released on bail on his furnishing bail bonds/surety

bonds to the satisfaction of the trial Court subject to the aforesaid conditions.

The file be put up on 19.07.2017 for awaiting the remarks of the Judicial Officer.

(M.M.S. BEDI)
JUDGE

01.06.2017
Neha

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No