

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision: - 17.7.2017

(1) CRM-M-17069-2017

Satpal

.....Petitioner

versus

State of Haryana

.....Respondent

(2) CRM-M-17085-2017

Jagdish

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: - HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: - Mr. Rakesh Nehra, Advocate for the petitioner(s).

Mr. Neeraj Poswal, AAG, Haryana.

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ARVIND SINGH SANGWAN, J. (ORAL)

This order shall dispose of above-mentioned two criminal miscellaneous petitions bearing *CRM-M-17069-2017* and *CRM-M-17085-2017*, seeking bail in case FIR No. 241 dated 17.7.2016 under Sections 399 and 402 of the Indian Penal Code and Section 25 of the Arms Act, registered at Police Station Dadri City, District Bhiwani. For brevity, the facts are being taken from CRM-M-17069-2017.

As per the allegations in the FIR, on 17.7.2017, a secret information was received by the parties that eight persons are planning for dacoity. It has been argued on behalf of learned counsel for the petitioner(s) that the arrest of the petitioner(s) Satpal and Jagdish was effected on the basis of the aforesaid secret information received by SI, Shamsheer Singh in the raid conducted by the Investigating Officer. Petitioner-Satpal along with other co-accused i.e. Jagdish was arrested whereas two other co-accused escaped and could not be arrested. It is further submitted that from the petitioner-Satpal (CRM-M-17069-2017) a motor cycle has been recovered and a torch has been recovered from Jagdish-petitioner (CRM-M-17085-2017). It is further submitted that the petitioner(s) have been falsely implicated in the present FIR. Petitioner(s)-Jagdish is in custody since 17.7.2016 and Satpal is in custody since 2.8.2016.

Learned counsel for the petitioner(s) further contends that out of total 13 prosecution witnesses, no one has been examined till date, though a period of about 1 year has already elapsed. He has further referred to the orders dated 27.1.2017 passed in CRM-M-45575-2016, Sonu @ Gudhla vs. State of Haryana; the order dated 1.3.2017 passed in CRM-M-3395-2017, Ram Babu vs. State of Haryana and the other dated 6.7.2017 passed in CRM-M-20402-2017, Nitin vs. State of Haryana, vide which the other co-accused of the petitioner(s) have been granted the concession of bail.

Heard.

Considering the fact that the petitioner(s) are in judicial custody for about 1 year and are no more required for further investigation, challan has also been presented and till date no prosecution witness has been examined, the conclusion of the trial will take a long time, therefore, without commenting upon

the merits of the case, both petitions are allowed.

Petitioner-Satpal (CRM-M-17069-2017) and petitioner Jagdish (CRM-M-17085-2017) are admitted to bail subject to their furnishing of bail bonds/surety bonds, to the satisfaction of the trial Court.

Anything stated here-in-above shall not be construed as an expression of opinion on the merits of the case.

17.7.2017
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(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No