

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

**CRM No.M-18889 of 2017
Decided on: 14.12.2017**

Chander Shekhar @ Leelu

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Manoj K. Tanwar, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of regular bail under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.332 dated 21.08.2016, for offence punishable under Sections 415, 399, 405, 353, 332, 186, 307, 427, 216, 120-B, 420 of Indian Penal Code (in short 'IPC') and 25/54/59 of the Arms Act registered at Police Station Dharuheda, District Rewari.

Counsel for the petitioner has submitted that the petitioner is in judicial custody since 15.09.2016 and has undergone about 01 year and 04 months of sentence. It is further submitted that all the co-accused of the petitioner have already been granted the concession of regular bail by the trial Court vide orders (Annexures P2 to P4). Counsel for the petitioner has further submitted that as per the Custody Certificate, the petitioner stands acquitted in all the case which are pertaining to the year 2015-16 and, thereafter, the petitioner has also been acquitted in FIR No.124 of 2016 vide judgment dated 07.10.2017

by the Additional Sessions Judge, Rewari. Counsel for the petitioner has further argued that apart from the present case, the petitioner is facing trial in FIR No.293 of 2015 and he is on bail.

Counsel for the petitioner has further submitted that out of 21 prosecution witnesses, 10 have been examined and all the prosecution witnesses are police officials/government officials. It is further argued by counsel for the petitioner that there is no possibility of tampering or influencing with the prosecution witnesses/evidence. It is further submitted that the trial is moving at a very slow pace as despite the fact that the petitioner is in judicial custody for the last 01 year and 04 months, the prosecution has not concluded the entire evidence.

Counsel for the State, on instructions from ASI Veer Singh, however, has opposed the prayer for bail on the ground that the petitioner was apprehended at the spot and he has sustained injuries.

Without commenting anything on merits of the case and considering the fact that the petitioner is in judicial custody for the last 01 year and 04 months and in view of the fact that as per the custody certificate, the petitioner stands acquitted/undergone in all the previous other FIRs and he is on bail in one case in which he is facing the trial apart from the present case, the co-accused of the petitioner have already been granted the concession of regular bail and 11 prosecution witnesses are yet to be examined, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court. However, it will be open for the prosecution to apply for cancellation of bail, if the

petitioner is found involved misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

14.12.2017
yakub

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