

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-23553 of 2017
Date of Decision: 12.07.2017

Neeraj

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Aman Pal, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioners in case FIR No.68 dated 7.2.2017 under Sections 387/506/420/467/468/471/34 IPC and Section 25 of the Arms Act, 1959 registered at Police Station Sohna, District Gurugram.

Learned counsel for the petitioner has argued that the role attributed to the petitioner is that he was driver of the vehicle in which the other co-accused had traveled to the shop of the complainant. He further submits that co-accused of the petitioners namely Sarnam and Mahesh, against whom there are allegations of having rifle and pistol, have already been admitted on regular bail by the trial Court. No recovery is required to be effected from the petitioner. He submits that though there was another case against the petitioner i.e. FIR No.104/2011 under Sections

323/149/506/279 IPC, P.S. Badshahpur, Gurugram, but in that case, he has already been acquitted. The petitioner is in custody since 10.2.2017.

Learned State counsel, on instructions from ASI Jitender Kumar, submits that the petitioner was one of the members of the gang who visited the shop of the complainant and therefore, he was involved in the crime

I have heard learned counsel for the parties.

Admittedly, the co-accused of the petitioners namely Sarnam and Mahesh, against whom there are allegations of having rifle and pistol, have already been admitted on regular bail by the trial Court. What weighed to the mind of the trial Court, while dealing with the bail application of the petitioner, was the pendency of another case, but in that case, the petitioner has been acquitted. Therefore, considering the fact that the petitioner is in custody since 10.2.2017 and trial in the case will take sufficiently long time, I deem it appropriate to release the petitioner on regular bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of their bail bonds/surety bonds to the satisfaction of trial Court.

It is made clear that observations made hereinabove shall not be construed as any expression on the merits of the case.

July 12, 2017
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No