

CRM-M-26053-2017(O&M)

Date of decision: 28.07.2017

Rohit

...Petitioner

Versus

State of Haryana

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWANPresent: Mr. Rakesh Nehra, Advocate
for the petitioner.

Mr. Arun Kumar, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

The petitioner is seeking concession of regular 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.

As per the allegation 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 that the arrest of the petitioner was effected on the basis of the aforesaid secret information received by SI, Shamsheer Singh in the raid conducted by the Investigating Officer. Petitioner-Rohit along with other co-accused were arrested whereas two other co-accused escaped and could not be arrested. It is further submitted that petitioner-Rohit was the driver of the motorcycle and was with empty hands. It is further submitted that the petitioner has been falsely implicated in the present FIR. Petitioner is in custody since 17.7.2016.

Learned counsel for the petitioner 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 have been granted the concession of bail.

Heard.

Considering the fact that the petitioner is in judicial custody for about 1 year and is 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, the petition is allowed. The petitioner is admitted to bail subject to his furnishing of bail bond/surety bond, 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.

(ARVIND SINGH SANGWAN)
JUDGE

28.07.2017
Hemlata

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