

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

CRM-M-28714-2017 (O&M)

Date of decision: 6.11.2017

Aakib

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. Manoj Bajaj, Advocate for the petitioner.

Ms. Tanish Peshawaria, DAG, Haryana.

A.B. CHAUDHARI, J (Oral)

Heard learned counsel for the rival parties.

Petitioner seeks grant of regular bail in FIR No. 226 dated 18.6.2017 under Sections 420, 120-B, 467, 468, 471 IPC and Section 61,1,14 of Excise Act and sections 7,13 of P.C. Act, registered at Police Station Murthal, District Sonapat.

Learned counsel for the petitioner submits that petitioner was arrested on 23.6.2017.

On the other hand, learned State counsel, on instructions from DSP, Jaidev, submits that there is no similar case pending against petitioner. She further submits that main accused is the brother of the present petitioner. However, she has opposed the grant of regular bail to the petitioner.

On perusal of the record, I find that this is the first offence committed by the petitioner; he is in jail for sufficiently long time; no purpose would be served in keeping him to custody and trial will take long time in conclusion and considering the fact petitioner is the brother of the main

accused is not a relevant fact.

Learned State counsel further submits that order made by this court in CRM-M-24995-2017, Pawan Kumar Sharma vs. State of Haryana and another is under challenge before the Apex Court.

However, I find that the case of Pawan Kumar Sharma relates to anticipatory bail whereas the present petition is for grant of regular bail.

In that view of the matter, this petition is allowed. Petitioner shall be released on bail subject to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned. Petitioner shall file an undertaking before the trial Court that he will not indulge in similar or any other kind of offence in future. Petitioner shall deposit his passport, if possesses, with the trial Court. Petitioner shall not tamper, influence and threaten the prosecution witnesses and complainant as well.

(A.B. CHAUDHARI)
JUDGE

6.11.2017
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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No