

CRM-M-29918-2017

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

CRM-M-29918-2017 (O&M)
Date of decision : 21.09.2017

Purshotam @ Rustam

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Parveen Sharma, Advocate for the petitioner.

Ms. Dimple Jain, AAG, Haryana,
assisted by ASI Ram Singh.

JITENDRA CHAUHAN, J. (Oral)

The instant petition has been preferred under Section 439 Cr.P.C. seeking regular bail in FIR No.5 dated 01.01.2017, registered under Section 392 and 201 of the Indian Penal Code, at P.S. Gharaunda, District Karnal.

Contentends that the petitioner was arrested in the present FIR on the basis of the disclosure statement of co-accused Gokul. The petitioner has been falsely implicated in the present case and recovery shown was never effected from him. No identification parade was conducted in the matter. Subsequent to the arrest of the petitioner, he has been nominated as accused in two more cases. He has been admitted to bail in the other FIR.

On the other hand, learned State counsel has opposed the instant petition. On instructions, learned State counsel submits that recovery of laptop belonging to the complainant was effected from the petitioner. She further informs that the challan stands presented, but the

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charges are yet to be framed.

Heard.

Keeping in view the facts that no identification parade was conducted to ascertain the identity of the accused; the petitioner is in custody since 02.03.2017; and the trial is yet to commence as charges have not been framed so far; this Court feels that no purpose would be achieved in keeping the petitioner under further incarceration.

In view of the above, without advertng to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on furnishing bail bonds and surety bonds, to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

However, anything noticed hereinabove shall not be construed as an expression of opinion on the merits of the case.

21.09.2017
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No