

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

CRL. MISC. No.M-31948 OF 2017
DATE OF DECISION : 5th SEPTEMBER, 2017

Vicky

.... Petitioners

Versus

State of Haryana

.... Respondent

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

* * * *

Present : Mr. Ashok K. Sharma Bhana, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

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A. B. CHAUDHARI, J. (ORAL)

The petitioner has filed this petition under Section 439 Cr.P.C. seeking regular bail in FIR No.0365 dated 28.10.2015 registered under Sections 364, 395, 506 IPC and Section 25, 54, 59 of the Arms Act at Police Station Sadar Gohana, District Sonipat.

Heard learned counsel for the rival parties.

The petitioner was arrested on 28.10.2015 and since then he is in jail. I have perused the evidence produced before me that has been recorded before the trial Court. Looking to the evidence it appears that the petitioner has not been named or identified and as such the prosecution has relied only on the recovery of mobile phone.

Learned counsel for the State submits that no other case is reported against the petitioner.

Learned counsel for the petitioner makes a statement that the petitioner will file undertaking on affidavit that he would not indulge in any type of offence and would also submit a copy of the affidavit to the concerned Police Station.

In view of the fact that the petitioner is ready to give an affidavit as stated above and the further fact that no other case is reported against him, I am inclined to grant bail to the petitioner.

In that view of the matter, I make the following order:

ORDER

- (i) CRL. MISC. No.M-31948 OF 2017 is allowed.
- (ii) The petitioner be released on bail to the satisfaction of the concerned CJM/Duty Magistrate.
- (iii) The petitioner shall file an affidavit within two weeks from the date of his release that he will not commit such type of offence again.
- (iv) The State will be at liberty to apply for cancellation of bail in case of any further commission of such type of offence by the petitioner.

5th SEPTEMBER, 2017
'raj'

(A. B. CHAUDHARI)
JUDGE

Whether speaking/reasoned: *Yes* *No*

Whether Reportable: *Yes* *No*