

Sr. No.212

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No. M-35654 of 2016 (O&M)

Date of Decision: 02.02.2017

Iqbal Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Sansar Kundu, Advocate,
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

TEJINDER SINGH DHINDSA, J.(ORAL)

This is the second petition preferred by the petitioner under Section 439 Cr.P.C. seeking benefit of regular bail pending trial in case FIR No.346 dated 07.06.2015, under Sections 302, 201, 392, 396, 404, 412, 120-B, 202 IPC and Section 25 of Arms Act, registered at Police Station Sadar Rohtak, Haryana.

The previous petition preferred by the petitioner i.e. CRM No. M-11584 of 2016 was disposed of in terms of order dated 11.05.2016 in the following terms:

“Petitioner is alleged to have made a disclosure statement to the effect that he along with other accused committed robbery of the truck resulting in murder of driver and his conductor.

Petitioner has been in custody with effect from 03.07.2015 for having been attributed role of conspirator with other accused. The case of the prosecution is based on circumstantial evidence. The petitioner is facing trial along

with four other co-accused. Prosecution agency has examined only five witnesses out of 49.

It will be premature, at this stage, to prima facie determine the culpability of the petitioner on the basis of circumstantial evidence which is gathered by the prosecution agency. The trial Court, in said circumstances, can be directed to conclude the trial expeditiously, preferably, within a period of four months after the next date of hearing. In case, all the prosecution witnesses are not examined within a period of four months, after the next date of hearing, the petitioner will be entitled to seek bail afresh on expiry of four months.

The above said approach has been adopted in the present case, in view of the peculiar circumstances of this case as the culpability of the petitioner is to be determined on the basis of only circumstantial evidence which is generally taken to be weak type of evidence.

Disposed of with above said liberty to the petitioner to approach this Court again after expiry of four months, as observed hereinbefore.”

Learned State counsel upon instructions from ASI Suresh Kumar apprises the Court that the trial even as of date has not made much progress. In this regard, it is submitted that even though challan in the present case had been submitted on 25.09.2015 but subsequently co-accused Jeet Dass was arrested on 24.05.2016 and the supplementary challan has been filed on 16.09.2016.

Apparently, the trial would take time to conclude.

Petitioner has been in custody w.e.f. 03.07.2015. He has been challaned against the attributed role of a conspirator with the other accused.

It is a case of circumstantial evidence.

Without making any observations on merits, the present

petition is allowed.

Petitioner be enlarged on bail subject to satisfaction of the trial
Court/Duty Magistrate, Rohtak.

Petition disposed of.

02.02.2017
vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes