

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

Crl. Misc. M-39611 of 2017 (O&M)
Date of Decision: November 10, 2017

Aabid and others

...Petitioners

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. M.D. Khan, Advocate
for the petitioner.

Ms. Gurpreet Kaur, AAG Haryana.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No.278 dated 08.07.2014, under Sections 148, 149, 323, 325, 452, 354, 506 of Indian Penal Code and Sections 8/12 of POCSO Act, registered at Police Station Punhana, District Mewat, at the best of Aabid, Jamshed, Sunder and Ratti.

Learned counsel for the petitioners contends that in the initial investigation that was conducted, the petitioners were found innocent and they were summoned only when an application under Section 319 Cr.P.C. came to be filed. It is submitted that since they could not appear before the trial court, they were declared as proclaimed offender by an order dated 01.07.2017, which order came to be challenged before this court in Criminal Misc. No.M-35211 of 2017, but the said petition was dismissed. After

dismissal of the said petition, they surrendered before the trial court and have been in custody since 06.10.2017. It is argued that there are general allegations in the FIR qua petitioners No.2, 3 and 4 (Jamshed, Sunder and Ratti) whereas, there is a specific allegation qua petitioner No.1 (Aabid) and other co-accused Kayam s/o Mujid. It is also submitted that the trial court has granted regular bail to Kayam on 20.11.2014 and prays for parity in the said order.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from Investigating Officer, opposes the grant of regular bail, while submitting that offences alleged against the petitioners are serious in nature.

I have heard learned counsel for the parties.

Since, the trial is likely to take some time and in view of the fact that co-accused has already been granted regular bail, no useful purpose would be served in keeping the petitioners behind bars. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioners are directed to be released on regular bail on execution of adequate personal bond in the sum of Rs.1,00,000/- with one surety in the like amount each to the satisfaction of concerned trial Court/Duty Magistrate.

November 10, 2017
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No