

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

CRM -M-41195 of 2016 (O&M)

Date of decision: 18.01.2017

Ajay @ Fauji

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Chirag Kundu, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

Jitendra Chauhan, J. (Oral)

By filing the present petition, under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in FIR No. 135 dated 15.05.2014, registered under Sections 364-A, 387, 120-B of IPC and Section 25 of Arms Act, at Police Station Kalanaur, District Rohtak.

It is contended that the only allegation against the petitioner is that he was present on the spot at the time of recovery of the alleged victim, the son of the complainant. Co-accused Satish and Jitender who had allegedly kidnapped the detenu have been admitted to bail by the trial Court. Co-accused Rohit whose car was used in the commission of offence has also been enlarged on bail by a Co-ordinate Bench of this Court, vide order dated 30.05.2016. The

petitioner is in custody since 20.05.2014.

On the other hand, learned State counsel opposes the bail application and states that the petitioner has actively participated in the crime.

I have heard learned counsel for the parties and perused the record.

Considering the fact that the petitioner is in custody since 20.05.2014; co-accused Satish and Jitender who actively participated in kidnapping the son of the complainant have been admitted to bail, the material witnesses i.e. the victim and the complainant have been examined; the trial is not likely to be concluded in the near future, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of trial, on his furnishing bail bonds and surety bonds, to the satisfaction of the trial Court.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

18.01.2017
sumit.k

(JITENDRA CHAUHAN)
JUDGE

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