

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-35427-2017 in/and
CRM-M-40960-2017(O&M)
Date of decision: 09.11.2017.

Atul @ Kake

....Petitioner.

vs.

State of Haryana

.....Respondent.

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Rishu Mahajan, Advocate for
Mr. Kunal Dawar, Advocate for the petitioner

Ms. Neelam Kashyap, DAG, Haryana.

SHEKHER DHAWAN, J.

CRM-35427-2017

For the reasons mentioned in the application, same is allowed; filing of certified copies of Annexures A-1 and A-2 is dispensed with and the same are taken on record.

CRM-M-40960-2017

Present petition under Section 439 Cr. P.C. is for grant of regular bail to the petitioner in case FIR No. 798 dated 22.11.2016, under Sections 342, 450, 395, 397 and 120-B IPC and Section 25 of the Arms Act, 1959, registered at Police Station Sarai Khawaja, Faridabad, District Faridabad.

Learned counsel for the petitioner contends that petitioner has been falsely implicated in the present FIR on the basis of some production warrants issued in one more case. More so, he further contends that petitioner is in custody since 8.12.2016 and trial will take some time to conclude, therefore, the petitioner be released on regular bail.

Learned counsel for the petitioner further contends that PW-2 Kuldeep Singh and PW-6 Maheshwari were the only material witnesses and were not in a position to identify the accused persons during the trial. He further submits that co-accused of the present petitioner i.e. Rana Partap Singh has been granted concession of regular bail by this Court vide order dated 13.2.2017, passed in CRM-M-4040-2017, Rana Partap Singh vs. State of Haryana.

Learned State counsel has opposed the bail petition on the ground that no case is made out for the petitioner to release on bail as remaining witnesses of the prosecution are yet to be examined.

Having considered the submissions made by learned counsel for the parties; the fact that petitioner is in custody since 8.12.2016; he was taken into custody on the basis of production of warrants; his co-accused has already been granted the concession of bail; both the main witnesses who are complainant and eye-witness have failed to identify the present petitioner during trial though identified the remaining accused persons and the fact that trial is still to take some more time, present petition for bail is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Faridabad.

Nothing said here-in-above shall be construed to be an expression of opinion on the merits of the case.

(SHEKHER DHAWAN)
JUDGE

9.11.2017
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Whether Speaking/reasoned : Yes/No
Whether Reportable : Yes/No