

217.

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

CRM-M-41031-2017

Date of decision:07.11.2017.

SHOKAT

... Petitioner

Versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Sarfraj Hussain, Advocate,
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.128 dated 09.08.2017 under Sections 395, 397 IPC (lateron Sections 412, 201 IPC added) and Section 25 of Arms Act, registered at Police Station Nuh, District Mewat.

The only allegation against the petitioner is that he had purchased a mobile phone bearing No.7790989140 of the complainant which was otherwise robbed by the accused who were 7-8 persons in number. The petitioner is being framed in the case for the reason that his son is one of the accused in the FIR. The petitioner is in custody since 04.09.2017.

Learned State counsel, on instructions from HC Yashpal Singh, states that even if the petitioner is not named with the 7-8 persons who committed robbery, but the fact remains that he had purchased the robbed mobile knowing it well that it was a robbed one. Even otherwise the custody of the applicant is less. Therefore, the petitioner is not entitled to be granted bail.

I have heard learned counsel for the parties.

The petitioner is in custody since 04.09.2017 and there is no such allegation against him that he was among 7-8 persons who actually participated in commission of crime. The only allegation is that he purchased the robbed mobile phone and used the same by putting his own sim.

In view of above, without making any observations on the merits of the case but considering the fact that the petitioner is in custody since 04.09.2017 and the trial in the case will take a long time, he is admitted on bail subject to his furnishing adequate bail/surety bonds to the satisfaction of the trial Court.

Accordingly, present petition is allowed.

(HARI PAL VERMA)
JUDGE

07.11.2017
sanjeev

Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No