

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

CRM -M-45575 of 2016 (O&M)

Date of decision: 27.01.2017

Sonu @ Gudhla

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Rakesh Nehra, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, 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. 241 dated 17.07.2016, registered under Sections 399, 402 of IPC and Section 25 of Arms Act, at Police Station Dadri City, District Bhiwani.

It is contended that allegedly the arrest of the petitioner was effected on the basis of secret information received by SI Shamsher Singh. As per the secret information, allegedly six persons including the petitioner were allegedly making preparation to commit dacoity. In the raid conducted by the Investigating Officer, the petitioner along with other co-accused were arrested whereas, two of them successfully escaped their arrest. A recovery of knife measuring 14.8 cm blade was effected as per the case of the prosecution. It is

further submitted that the petitioner aged 32 years is a poor rickshaw puller and has been falsely involved in six more FIRs on the basis of statement made by him in custody in the present FIR. The petitioner is in custody since 17.07.2016.

On the other hand, learned State counsel opposes the bail application and states that the petitioner was arrested from the spot in the present FIR but he fairly admits that the remaining FIRs have been registered on the statement made by the petitioner during custody.

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

Considering the fact that the petitioner is in custody since 17.07.2016; the investigation stands concluded; challan has been presented; charges have been framed, however, out of total 13 PWs, no one has been examined so far, therefore, it can be safely inferred that the trial is not likely to be concluded in the near future, without advertng 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.

27.01.2017

sumit.k

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :

Yes No

Whether Reportable :

Yes No