

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 213

CRM-M-4740-2017

Decided on : 20.04.2017

Boota Singh

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Satbir Gill, Advocate, for the petitioner.

Mr.Surender Singh, AAG, Punjab.

DEEPAK SIBAL, J. (ORAL)

Custody certificate filed by learned State counsel, in Court today, is ordered to be taken on record. Copy of the same has been handed over to counsel opposite.

Through the present petition filed under Section 439 Cr.P.C., the petitioner seeks the concession of regular bail in FIR No.179, dated 12.11.2016, registered under Sections 384, 420 and 34 IPC, at Police Station Nathusari Chopta, District Sirsa.

Seeking regular bail for the petitioner, learned counsel submits that the petitioner has been in custody for over 4 ½ months; he is not named in the FIR; there is no other criminal case pending against him; he has been arrayed as an accused only for the reason that he is the father of the co-accused Raju; the recovery alleged to be made from the petitioner is from the house where the petitioner and his son reside; it is debatable whether the petitioner had any role to play in connivance with his son Raju; the prosecution witnesses are yet to be examined in the trial and as there are ten witnesses cited by the prosecution, the trial is not likely to conclude in the near future.

Learned State counsel opposes the grant of bail on the ground that there are serious allegations against the petitioner and that the material witnesses are yet to be examined.

On consideration of the prosecution case, it comes to light that the main allegations of blackmailing the complainant are against Lal Chand and Raju; the petitioner being father of co-accused Raju, it is debatable whether the recoveries made from their house are from the petitioner or his son-Raju; not even one out of the ten witnesses cited by the prosecution has been examined and, therefore, it is not likely that the trial would conclude in the near future.

In view of the above, I am of the opinion that the petitioner deserves the concession of regular bail. Resultantly, it is directed that the petitioner be admitted to bail subject to the satisfaction of the trial court.

Nothing observed herein-above shall be considered to be an expression of opinion by this Court on the merits of the case.

During the period that the bail is granted to the petitioner, if he is found indulging in any criminal/illegal activity or misusing the concession of bail granted by this Court, it would be open to the State to move an appropriate application before the competent Court/this Court for cancellation of the bail granted to the petitioner.

20.04.2017
shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No