

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

CRM No.M-6332-2017 (O&M)

Date of decision: 17.04.2017

Bhola

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present : Mr. Parveen K. Rohilla, Advocate for the petitioner (s).

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.118 dated 08.06.2016, registered under Section 379-B read with Section 34 IPC and Section 25 of the Arms Act, at Police Station Israna, Distt. Panipat.

Contents that the FIR was registered on the statement of complainant-Devender against unknown persons who allegedly tried to take away the car of the complainant. A day after the car in question was found abandoned, and was taken into custody by the police and handed over to the complainant. Initially the untraced report was filed and subsequently, on the basis of secret information present FIR was registered. Complainant qua the present petitioner has not supported the case of the prosecution, which is duly acknowledged by the learned State counsel. He is in custody since

11.09.2016. Co-accused, Rinku has been admitted to bail by this Court vide order dated 17.01.2017 (Annexuure P-3).

On the other hand, the learned State counsel opposes the present petition and informs that out of 16 PWs, 4 PWs have been examined so far. He states that the petitioner is involved in FIR No.238 dated 29.06.2016 registered under Section 25 of the Arms Act. However, he fairly admits that petitioner has been admitted to bail in the said FIR.

Heard.

Considering the facts that petitioner is in custody since 11.09.2016; out of 16 PWs, only 4 PWs have been examined so far and the material witness i.e. the complainant has been examined and did not support the case of the prosecution qua the present petitioner, trial is likely to take a long time, therefore, no purpose would be served in keeping the petitioner behind the bars.

Accordingly, without advertng to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the 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.

17.04.2017

ashok

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No