

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

**CRM-M No.8558 of 2017
Date of Decision: 21.03.2017**

Md. Jafar

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

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

Mr. Manish Bansal, DAG, Haryana
for the respondent-State.

DEEPAK SIBAL J. (ORAL)

Through the present petition filed under Section 439 Cr.P.C., the petitioner seeks regular bail in FIR No.16, dated 16.01.2015, registered under Sections 394, 34 IPC read with Sections 25/54/59 of Arms Act, at Police Station Udyog Vihar, District Gurgaon.

Seeking regular bail for the petitioner, learned counsel submits that the petitioner has been in custody for 02 years; no prosecution witness out of the total 19 cited prosecution witnesses has been examined, and therefore, the trial is unlikely to conclude in the near future and that co-accused-Wasim Akram, who had earlier approached this Court in **CRM-M No.30675 of 2016** has been admitted to regular bail through an order of this Court dated September 06, 2016.

Learned State counsel opposes the grant of regular bail on the ground that there are serious allegations of robbery against the petitioner and that he is involved in another similar case registered against him at New Delhi.

The co-accused Wasim Akram, who has been attributed the similar role, has already been admitted to regular bail through an order of this Court; the petitioner has been in custody for 02 years and that since none of the 19 cited prosecution witnesses have been examined so far, the trial is unlikely to conclude in the near future.

That being so, on the principle of parity, the petitioner also deserves to be admitted to bail.

Bail to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Gurgaon.

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

If the petitioner is found indulging in any other criminal activity/misusing the concession of bail granted to him, it will be open to the State to move an appropriate application before the Competent Court/this Court for cancellation of the granted bail to the petitioner through this order.

As noticed above, for 02 years, no prosecution witnesses have been examined, let the Director, Prosecution, Haryana file an affidavit explaining the delay in the examination of the prosecution witnesses. Such affidavit be filed within two weeks from today.

For compliance, put up on 18.04.2017.

(DEEPAK SIBAL)
JUDGE

March 21, 2017

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No