

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

**CRM-M No.13949 of 2018
Decided on: 30.07.2018**

Aarif

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

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

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.375 dated 29.09.2017, for offence punishable under Sections 392, 397, 420, 506 read with Section 34 of the Indian Penal Code (in short 'IPC'), 66-D of the Information Technology Act and 25/54/59 of the Arms Act, registered at Police Station Tauru, District Nuh.

Counsel for the petitioner has submitted that the petitioner is in custody since 26.12.2017 and he is not involved in any other case. It is further submitted that the complainant – Daya Ram has appeared as PW2 before the trial Court and has stated that the petitioner/accused present in the Court was not person, who has committed the offence and he was not present in Bolero car, used in the crime. Counsel for the petitioner has further relied upon the statement of PW3 – Sita Ram, an eye-witness, who has also deposed on the same line and has refused to

identify the petitioner. It is further argued that 05 more prosecution witnesses are yet to be examined and conclusion of the trial is likely to take some time.

Counsel for the State has filed the Custody Certificate today in the Court and as per the Custody Certificate, the petitioner is in judicial custody for the last more than 07 months and he is not involved in any other case.

Without commenting anything on merits of the case and considering the fact that the complainant and the eye-witness have not identified the accused person and they further stated that the petitioner was not the person, who was present in the vehicle, which was used in commission of the crime; the petitioner is not involved in any other case and conclusion of the trial will take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail, if the petitioner is found involved misusing the concession of bail, in any manner.

30.07.2018
yakub

(ARVIND SINGH SANGWAN)
JUDGE

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