

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

Hemlata
2018.04.20 17:43
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CRM-M-14609-2018 (O&M)

Date of decision: 20.04.2018

Tarif @ Kala

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Rahul Bhargava, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') is for grant of regular bail to the petitioner in case FIR No.54 dated 26.04.2017 under Sections 392, 397, 302, 120-B of IPC and Section 25 of Arms Act in which offences under Sections 420, 467, 468, 471 of IPC were added later on, registered at Police Station Bichhore, District Nuh.

Learned counsel for the petitioner submits that the petitioner is, in fact, running a shop of repair of a mobile phones and sale of sim cards. He has sold a sim number i.e. 8930306846 on the basis of Adhaar card of one Tayyub Hussain. It is further stated that as per prosecution version, the petitioner has made a disclosure statement that from the phone in which the aforesaid sim was inserted, a call was made to one of the co-accused Mukim on his number.

Counsel for the petitioner further submits that the petitioner is in judicial lock up since 01.05.2017 and the prosecution has already given up the aforesaid witness Tayyub Hussain on 01.02.2018. It is further

submitted that except this there is no other evidence against the petitioner.

Learned State counsel, on instructions from ASI Abdul, submits that out of 31 prosecution witnesses, 10 have already been examined and has not disputed the fact that Tayyub Hussain has been given up by the prosecution on 01.02.2018. Learned State counsel also submits that the petitioner is not involved in any other case.

Without commenting anything on merits of the case, considering the fact that the petitioner is in judicial lock up since 01.05.2017; prosecution has given up PW-Tayyub Hussain and also in view of the fact that the petitioner is not involved in any other case, the petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate.

(ARVIND SINGH SANGWAN)
JUDGE

20.04.2018

Hemlata

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