

CRM-M-14646-2018

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-14646-2018

Date of Decision: 19th April, 2018

Jagdish @ Jagga

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. K.L. Saini, Advocate,
for the petitioner.

Mr. Apoorv Garg, DAG, Haryana.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court for grant of regular bail by filing this petition under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.1225, dated 29.11.2017, registered at Police Station City Karnal, District Karnal, under Sections 379 and 420 of the Indian Penal Code (hereinafter referred to as 'IPC'), in which, the he has been arrested on 12.01.2018.

It is the contention of the learned counsel for the petitioner that the petitioner is not named in the FIR and there is no evidence against him except for the disclosure statement and recovery of ₹ 4,000/-, which is alleged to have been made from the petitioner. Counsel contends that the petitioner has been arrested in FIR No.387 dated 01.12.2017, under Sections 379 and 420 of IPC and during the interrogation in the said FIR, petitioner is alleged to have made a disclosure statement with regard to his

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commission of offence relatable to the present FIR No.1225, dated 29.11.2017. He contends that the petitioner has been falsely implicated in the present case. He further contends that out of total 10 prosecution witnesses, only one has been examined till date and therefore, the trial is not likely to conclude in near future. He, thus, prays for grant of regular bail to the petitioner during the pendency of the trial.

On the other hand, counsel for the State, on instructions from ASI Lachman Singh, P.S. City Karnal, District Karnal, informs the Court that apart from the present case, there are three other FIRs, in which, the petitioner is involved and has made his confessional statements on his arrest with consequent recoveries, which have been effected from him. He, however, conceded that except for the recovery of ₹ 4,000/- from the petitioner, there is no other evidence, as of now, available with the prosecution. He, however, states that the petitioner should not be granted the concession of bail.

I have considered the submissions of the learned counsel for the parties and on considering the submissions, this Court is of the considered view that the present petition deserves to be allowed as the petitioner is in custody since 12.01.2018 and except for the disclosure statement, there is no other evidence available as of now with the prosecution against the petitioner. It seems that the trial is not likely to conclude in near future as only one prosecution witness, out of total 10, has been examined till date.

In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and

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surety bonds to the satisfaction of the trial Court concerned.

Any observation made herein-above shall have no bearing on the merits of the case during the trial in any manner.

19th April, 2018
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No