

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

CRM-M No. 16101 of 2018

Date of decision : 03.08.2018

Anoop

.....Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. Narender Kaajla, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

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DAYA CHAUDHARY, J. (Oral)

This petition has been filed by petitioner Anoop under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to him in case FIR No.12 dated 03.02.2018 under Section 379-A IPC registered at Police Station – GRP Hisar.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case on the basis of statement made by complainant Satpal. Nothing was recovered from him. No independent witness was joined by the investigating agency. Learned counsel further submits that the petitioner is having no criminal background as no other criminal case is pending against him. All the material prosecution witnesses have been examined and the petitioner is ready to appear before the trial Court on each and every date of hearing and to abide

by all the terms and conditions to be imposed by this Court and by the trial Court. He is in custody since 03.02.2018 and no purpose would be served by keeping him in custody.

Learned State counsel has not disputed the factum of custody period and also the fact that all material prosecution witnesses have been examined but still she opposes the submissions made by learned counsel for the petitioner on the ground of seriousness of the offence.

Heard arguments of learned counsel for the petitioner as well as learned State counsel and have also perused the contents of FIR and other documents on file.

By considering the submissions made by learned counsel for the parties and keeping in view the fact that the petitioner is in custody since 03.02.2018, all material prosecution witnesses have been examined and the petitioner is not having any criminal background as no other case is pending against him, no purpose would be served by keeping him in custody.

Accordingly, the present petition is allowed and the petitioner is directed to be released on regular bail to the satisfaction of the trial Court.

03.08.2018

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No