

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

**CRM-M No.16995 of 2018
Decided on: 06.07.2018**

Deepak

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Manoj Kumar Palwal, Advocate
for the petitioner.

Mr. Vikrant Pamboo, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of regular bail under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.71 dated 31.03.2018, for offence punishable under Section 392 of the Indian Penal Code (in short 'IPC'), registered at Police Station Chhainsa, District Faridabad.

Counsel for the petitioner has submitted that the petitioner is the first offender and as per the allegation in the FIR, the complainant when reached near the fields of Shahjahanpur near a bridge, he saw 02 boys were taking money from owners of the vehicles by threatening them and these 02 boys had also taken Rs.300/- from him, for passing his vehicle. In the meantime, the police came there and one of the boy was apprehended at the spot, who disclosed his name as Deepak (petitioner herein). It is further stated that the other person is named as Hari Om and he is involved in similar other cases. It is further submitted that the petitioner is the permanent resident of village

Shahjahanpur and has his agricultural land adjoining the road where the incident had taken place and he has been falsely implicated in the present case.

Counsel for the petitioner has further argued that challan has already been presented and the petitioner is in judicial lock up since 31.03.2018 and conclusion of the trial will take some time.

Counsel for the State, on instructions from ASI Kesh Ram, has not disputed the factual position and has filed the Custody Certificate today in the Court, according to which, the petitioner is not involved in any other case and he is in judicial custody since 31.03.2018.

Without commenting anything on merits of the case and considering the fact that the petitioner is the first offender; the investigation is complete; he is no more required for any further investigation and conclusion of the trial is likely to take some time, this petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq 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.

06.07.2018
yakub

(ARVIND SINGH SANGWAN)
JUDGE

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