

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

**CRM-M No.19022 of 2018
Decided on: 12.07.2018**

Vakil Khan

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Ashish Gupta, Advocate
for the petitioner.

Mr. Himmat Singh, 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.49 dated 22.03.2018, for offence punishable under Sections 186, 279, 307, 336, 353, 120-B read with Section 34 of the Indian Penal Code (in short 'IPC') registered at Police Station Kasola, District Rewari.

Counsel for the petitioner has submitted that as per the allegation in the FIR, the co-accused namely Saddam, driver of the dumper, who tried to run over the police party with dumper, has already been granted the concession of regular bail. Similarly, the registered owner of the truck was also granted the concession of regular bail. It is further submitted that the petitioner was only a cleaner of the truck and there is no overt act attributed to him. It is further submitted that the petitioner is not involved in any other case and conclusion of the trial will take some time.

Counsel for the State has filed the Custody Certificate today in the Court and, on instructions from ASI Gobind Parkash, has submitted that as per the Custody Certificate, the petitioner is in judicial lock up for the last 03 months and 20 days and he is not involved in any other case.

Without commenting anything on merits of the case and considering the fact that the main accused – Saddam has already been granted the concession of regular bail; the petitioner is in judicial custody since 22.03.2018; he is not involved in any other case, this petition is allowed and the petitioner is ordered to be released on bail subject to 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.

12.07.2018
yakub

(ARVIND SINGH SANGWAN)
JUDGE

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