

CRM-M-20004-2018

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-20004-2018

Date of Decision: 16th May, 2018

Sanjeev Kumar

...Petitioner

Versus

State of Haryana

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Sunil Saharan, Advocate,
for the petitioner.

Mr. Kuldeep Sharma, 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.229, dated 13.09.2017, registered at Police Station Uklana, District Hisar, under Sections 148, 149 & 307 of the Indian Penal Code and Section 25 of the Arms Act.

It is the contention of the learned counsel for the petitioner that the petitioner is not named in the FIR and as per the disclosure statement of the co-accused also, petitioner is stated to be armed with an axe but the same has not been used in the commission of offence. He further states that the petitioner was arrested on 04.12.2017 and since then, he is in custody. Challan has been presented but the charge has yet not been framed and therefore, the trial is not likely to conclude in near future. He prays for grant of benefit of regular bail to the petitioner.

Counsel for the State, on instructions from H.C. Sanjeev Kumar, P.S. Uklana, could not dispute the factual assertions of the counsel for the petitioner. He, however, contends that the petitioner had gone to the place of occurrence with a common intention and therefore, was very much involved in the commission of offence. He, thus, contends that the petitioner be not granted the concession of regular bail.

Having considered the submissions of the learned counsel for the parties and keeping in view the facts that the petitioner is not named in the FIR nor has he used the weapon which is alleged to have been recovered from his possession, the trial is not likely to conclude in near future as charge has not been framed till date and the petitioner is in custody for the last more than five months, this criminal miscellaneous petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and 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.

16th May, 2018
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

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