

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

CRM M-2366 of 2018 (O&M)

Date of Decision: 12.02.2018.

Saurabh Gupta

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. Sanjay Jain, Advocate,
for the petitioner.

Mr. Pawan Garg, AAG Haryana,
assisted by ASI Ashok Kumar.

JITENDRA CHAUHAN.J.(ORAL)

This is third bail application filed under Section 439

Cr.P.C seeking bail in case FIR No.28 dated 17.01.2015 registered under Sections 302, 303, 120-B read with Section 34 IPC and Section 25 of Arms the Act, at Police Station Mahesh Nagar, District Ambala.

Learned counsel for the petitioner contends that the petitioner is not named in the FIR. He has been falsely introduced in the present FIR on the basis of disclosure statement of main accused Kuldeep Singh. He is in custody since 29.01.2015 and all the material witnesses including the complainant, Jahan Singh, both brothers Parveen and Upkar, Inder Kaur, mother and Neetu wife of deceased Gajender Singh have been examined, therefore, it is asserted that the long incarceration and the examination of the material witnesses wherein no incriminating material has come qua the petitioner, are fresh circumstances in favour of the petitioner. Out of total twelve accused, seven have been admitted to bail.

On the other hand, the learned State counsel submits that the petitioner is involved in two other FIRs; FIR No.17 dated 15.01.2006 registered under Section 307 read with Section 34 IPC, at Police Station Ambala Cantt. and FIR No. 111 dated 27.02.2013 registered under Sections 394 and 392 IPC and Section 25 of Arms Act. However, he admits the fact that in FIR No.17 dated 15.01.2016 he has been acquitted and in the second FIR No.111 dated 27.02.2013 he is on bail and he has not misused the concession of bail.

Heard.

Considering the long incarceration of the petitioner and the fact that all the material witnesses have been examined, without commenting on the merits of the case, this petition is allowed. The petitioner be admitted to bail during the pendency of trial, on his furnishing bail bonds and surety bonds to the satisfaction of trial Court/duty Magistrate concerned.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

12.02.2018.
SN

(JITENDRA CHAUHAN)
JUDGE

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