

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

CRM-M No.23667 of 2018
DATE OF DECISION:02.07.2018

Bilal @ Mogha

...Petitioner

Vs.

State of Haryana

..Respondent

CORAM:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

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

Ms. Tanushree Gupta, DAG, Haryana.

DAYA CHAUDHARY, J.(ORAL)

Through the present petition filed under Section 439 Cr. P.C., the petitioner seeks regular bail in case FIR No.70, dated 02.04.2018, registered under Sections 8, 13(3) HGS & GS Act at Police Station Bahin.

Learned counsel for the petitioner submits that petitioner was neither present on the spot nor any recovery was effected from his house. The FIR was registered on the basis of secret information. He is in custody since 02.04.2018 and nothing is to be recovered from him. Learned counsel also submits that there is no other case pending against him. The offence is triable by Magistrate. Only the challan has been presented and the trial of the case may take long time to conclude. No purpose would be served by keeping the petitioner behind the bars.

Learned State counsel has not disputed the custody period, stage of the trial as well as pendency of any other case against him.

Learned State counsel submits that the sample has been sent for testing and no report has been received so far.

Keeping in view the submission made by learned counsel for the parties that the petitioner is in custody since 02.04.2018, no other case is pending against the petitioner, the offence is triable by Magistrate, the petitioner is not required for investigation as challan has been presented, the trial of the case may take long time to conclude, the petition is allowed. Petitioner is directed to be released on regular bail to the satisfaction of the trial Court. It is made clear that in case the petitioner is found to be involved in some other case of similar nature in future, the State is at liberty to move an application for cancellation of bail granted to the petitioner.

02.07.2018
rimpal

(DAYA CHAUDHARY)
JUDGE

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