

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

CRM-M-No. 28602 of 2018

Date of Decision:25.07.2018

Surender Alias FaujiPetitioner
Vs.

State of HaryanaRespondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr.Rajat Mor, Advocate for the petitioner.

Mr.D.R.Singla, DAG, Haryana.

SUDHIR MITTAL J. (ORAL)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.717 dated 11.11.2015 under Sections 302, 201, 120-B IPC and 25 of the Arms Act, 1959 registered at Police Station Sector-5, Gurugram.

Pursuant to the order dated 18.07.2018 passed by this Court, reply dated 24/25.07.2018 by way of affidavit of Inspector Narender Kumar, Station House Officer, P.S. Sector-5, Gurugram, has been filed in Court today and is taken on record. A copy thereof has been supplied to learned counsel for the petitioner.

A perusal of the contents of the said reply shows that the Swift Car, recovered from the petitioner, was case property in FIR No.223 of 2017 under Sections 302/34 IPC and Section 25 of the Arms Act, 1959 P.S. Sector 10, Gurugram and was not the Car being used in the present FIR. Another Car was recovered in the present FIR from possession of the co-accused.

Learned counsel for the petitioner reiterates his submission that co-accused have already been acquitted. He further states that the petitioner is in custody since 18.05.2017 and there is no evidence on record produced against him apart from that which was produced against the main accused and on the basis of

which they have been acquitted.

The aforementioned factual submission has not been controverted by the learned State counsel. He, however, submits that there are four other FIRs registered against the petitioner, although he has been discharged in one of them.

Keeping in view the facts and circumstances of this case, I deem it appropriate to allow this petition. Retaining the petitioner in custody indefinitely will not serve any purpose. Accordingly, the petition is allowed and petitioner-Surender Alias Fauji is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court concerned.

(SUDHIR MITTAL)
JUDGE

25.07.2018
Anjal

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No