

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-35777 of 2018

Date of Decision: September 12, 2018

Amit Gujjar

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTALPresent: Mr. Sandeep Singh Jattan, Advocate
for the petitioner

Mr. D.R. Singla, DAG Haryana

Sudhir Mittal, J. (Oral)

The petitioner seeks grant of regular bail in case FIR No. 38 dated 24.03.2017 under Section 392 IPC and Section 25 of Arms Act, 1959 registered at Police Station Barara, District Ambala.

Learned counsel for the petitioner submits that nobody was named in the FIR. Three persons were arrested after registration of the FIR and the petitioner was nominated as an accused on the basis of their disclosure statement. According to the said statement, the petitioner was standing behind a room and watching the incident. Now the investigation is complete and the trial has commenced. The witnesses who recorded the disclosure statement of the petitioner have been examined. Fourteen more witnesses remained to be examined and, thus, the trial is not likely to be concluded at an early date. Since the evidence against the petitioner is already on record, there is no likelihood of him tampering with the evidence or trying to intimidate the witnesses, thus, regular bail be granted to him.

The prayer is opposed by the learned State counsel on the ground that there are six other cases registered against the petitioner, out of which he is on bail in four cases and has been acquitted in two. This shows that the petitioner is a habitual offender. The motorcycle allegedly used in the incident was owned by the petitioner and recovery of Rs. 600/- was made from him and, thus, he should not be

granted concession of regular bail. It is, however, not denied that the material witnesses, so far as the role of the petitioner is concerned, have been examined and that 14 other PWs are yet to be examined.

A perusal of the custody certificate produced by learned State counsel establishes that the petitioner has been acquitted in two other cases registered against him and is on bail in four cases. No particular role is assigned to the petitioner in the present case and the trial is not likely to be concluded at an early date. Thus, it would not be in the interest of justice to keep the petitioner in custody during the pendency of the trial.

Accordingly, the petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court concerned.

September 12, 2018

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No