

Crl. Misc. No. M-37685 of 2018

Date of Decision: October 01, 2018

Vishal

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. Sansar Kundu, Advocate
for the petitioner

Mr. M.D. Sharma, AAG Haryana

Sudhir Mittal, J. (Oral)

The petitioner seeks grant of regular bail in case FIR No. 117 dated 09.04.2018 under Sections 307, 34 IPC and Section 25 of Arms Act, 1959 registered at Police Station Sadar Jind, District Jind.

Learned counsel for the petitioner submits that the petitioner has been in custody since 16.05.2018. The investigation is now complete, as the challan already stands presented. The only allegation against the petitioner is that he was sitting on the motorcycle, when co-accused Amit fired a shot at the injured person. The petitioner does not have any criminal antecedents and, thus, he should be released on regular bail.

Custody certificate dated 29.09.2018 prepared by Sh. Rakesh Kumar, Deputy Superintendent, District Prison (Jind), Haryana has been filed in the Court today and the same is taken on record.

According to this certificate, the petitioner has undergone actual custody of four months and thirteen days. There is another case under the Arms Act and certain provisions of IPC pending against him.

Learned State counsel opposes the prayer for bail on the ground that the petitioner is named as an accused in a dacoity case and in case he is granted bail, it is likely to intimidate the witnesses. It is also submitted that two PWs have already been examined and only ten other witnesses remained to be examined.

Keeping in view the fact that the investigation in this case is complete and that the petitioner is not accused of having caused any injury as well as the fact that the trial is not likely to be concluded at an early date, I deem it appropriate to grant regular bail to the petitioner.

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.

It is, however, made clear that in case there is any report of the petitioner intimidating or even attempting to intimidate the witnesses, the prosecution will be at liberty to seek cancellation of his bail forthwith.

October 01, 2018

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No