

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

CRM-M-38369-2017 (O&M)
Date of decision : 07.02.2018

Mohit

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Vikram Singh, Advocate,
for the petitioner.

Mr. Ramakant Sharma, AAG, Haryana,
assisted by ASI Subhash.

JITENDRA CHAUHAN, J. (Oral)

The instant petition has been preferred under Section 439 Cr.P.C. seeking bail in FIR No.380 dated 30.07.2016, registered under Sections 120-B, 186, 224, 225, 332, 341, 353, 395 and 397 of the Indian Penal Code and Section 25 of the Arms Act, at P.S. City Bahadurgarh, Distt. Jhajjar.

This is the third bail petition moved by the petitioner under Section 439 Cr.P.C.

Contentends that the petitioner has not been named in the instant FIR. He has been implicated on the basis of disclosure statement of co-accused, Parveen @ Lara, who has already been admitted to bail by this Court vide order dated 03.08.2017, passed in CRM-M-17691-2017. He is not involved in any other case. The petitioner is in custody since 16.08.2016.

Learned State counsel, on instructions, submits that the challan stands presented and the charges have been framed. Out of 43 prosecution

witnesses, 01 has already been examined.

Heard.

In the instant case, the trial is not progressing as out of 43 prosecution witnesses, only 01 has been examined so far. The petitioner is in custody since 16.08.2016. He is not involved in any other FIR. Co-accused Parveen @ Lara has already been admitted to bail. Therefore, this Court feels that no useful purpose would be achieved in keeping the petitioner under further incarceration.

Keeping in view the above, without adverting to the merits of the instant case, the Court feels that the long period of custody and the stage of trial, i.e. 42 witnesses are yet to be examined, are circumstances in favour of the petitioner, at this stage. Accordingly, the instant petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on furnishing bail bonds/surety bonds, to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned. The petitioner shall also surrender his passport, if any, held by him, with the trial Court and shall not leave the country without prior permission of this Court.

However, anything noticed hereinabove shall not be construed as an expression of opinion on the merits of the case.

07.02.2018
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No