

Crl. Misc. No. M-4053 of 2018 (O&M)

(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-4053 of 2018 (O&M)

DATE OF DECISION:13.09.2018

Dharmender

.....Petitioner

Versus

State of Haryana

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Gautam Dutt, Advocate
for the petitioner.

Mr. Manish Dadwal, AAG, Haryana.

DAYA CHAUDHARY, J.

Crl. Misc. No. 32498 of 2018

This application has been filed for placing on record reply to the report by way of an affidavit.

Application is allowed and reply to the report by way of an affidavit is taken on record.

Crl. Misc. No. 21620 of 2018

Learned counsel for the applicant-petitioner contends that he does not want to press the present application for interim bail as now his son need not to be operated.

Application is dismissed as withdrawn.

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The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to petitioner-Dharmender in case FIR No. 1342 dated 19.12.2014 registered under Sections 201,420,467,468,471,120-B,409 and 379 IPC at Police Station City Gurgaon, District Gurgaon (Haryana), during pendency of the trial.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the case, whereas, he was not involved. Challan has already been presented and all the material witnesses including the complainant have been examined. Learned counsel further contends that the offence is triable by Magistrate and the petitioner is in custody for the last more than one year and no purpose would be served by keeping him behind the bars. Learned counsel also contends that in all the pending cases, the petitioner is on bail.

Learned counsel for respondent-State on instructions from SI Umesh Kumar has not disputed the custody period and factum of examination of material witnesses. He submits that out of total twenty six witnesses, five have been examined including the complainant. Learned counsel also submits that there are total six cases against the petitioner, out of which, in two cases, he has been acquitted and four cases are still pending but he is on bail in those cases.

Keeping in view the submissions made by learned counsel for the petitioner and by considering the facts that the offence is triable by Magistrate; the petitioner is in custody for the last more than one year, all material witnesses have been examined, including the complainant; trial may take some time to conclude and no purpose would be served by keeping him behind the bars, the present petition is allowed. Petitioner-

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Dharmender is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of trial Court.

September 13, 2018 (DAYA CHAUDHARY)
pooja JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No