

CRM-M-4188-2018

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-4188-2018

Date of Decision: 06th February, 2018

Dalel

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Amit Kohar, Advocate
for the petitioner.

Mr. Kuldeep Sharma, DAG, Haryana.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court for grant of regular bail by filing this petition under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.0075, dated 14.03.2017, registered at Police Station Sadar Hansi, District Hisar, under Sections 147, 148, 149, 109, 212, 302, 307, 323, 325, 506 and 120-B of the Indian Penal Code and Section 25 of the Arms Act.

It is the contention of the learned counsel for the petitioner that he has not been attributed any active part except for he being present at the spot. Counsel contends that the petitioner has been falsely implicated in the present case. He further contends that the petitioner was arrested in this case on 25.05.2017 and the challan has been presented before the trial Court on 07.06.2017 but the charges have, till date, not been framed as the report of the FSL is awaited. He, therefore, prays for grant of regular bail.

On the other hand, counsel for the State contends that the petitioner was the member of unlawful assembly where deadly weapons including guns and pistols were used. He, however, could not dispute the fact that no overt act has been attributed to the petitioner except for he being present on the spot. On instructions from ASI Surjit Singh, Police Station Sadar Hansi, District Hisar, he states that the petitioner has not been arrested in this case on 25.05.2017 rather he has been arrested on 25.07.2017.

I have considered the submissions made by the counsel for the parties and keeping in view the fact that the petitioner is more than 60 years of age, with no overt act attributed to him except for he being present on the spot and no recovery effected from him, further incarceration of the petitioner would not serve any purpose especially when the report of FSL is awaited with charges have also not been framed, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing personal and surety bonds to the satisfaction of the trial Court/Duty Magistrate, Hansi.

(AUGUSTINE GEORGE MASIH)
JUDGE

06th February, 2018
Harish

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No