

209 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-43463-2018 (O&M)

Date of decision:10.12.2018

Rohit

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Sandeep Singh Jattan, Advocate
for the petitioner.

Mr. Vijesh Sharma, DAG, Haryana.

RAJBIR SEHRAWAT, J. (ORAL)

Present petition has been filed under Section 439 of Cr.P.C. for seeking bail pending trial in FIR No.43 dated 08.02.2017 for the offences punishable under Section 392 of IPC (Charge-sheeted under Section 395, 397 of IPC), registered at Police Station Narainagarh, District Ambala.

Learned counsel for the petitioner contends that the case against the petitioner has been concocted by the police, after the petitioner was taken into custody in some other cases. However, even during the investigation, the police has not been able to collect any evidence to show the complicity of the petitioner in the crime. Moreover, even the complainant has not supported the case of the prosecution qua the present petitioner; because the complainant has not identified the petitioner as one of the accused involved in the incident. The petitioner is in custody since 18.04.2017. The petitioner is not required for any other investigation purposes. The trial shall take a long time.

On the other hand, learned State counsel, being instructed by

petitioner. In the present case also, the petitioner has been named by the co-accused. The recovery of Rs.500/- has been effected from the petitioner. Being habitual offender, the petitioner is not entitled for concession of bail.

In response to this argument of learned counsel for the State, the learned counsel for the petitioner has submitted that the petitioner is on bail in all other cases except one. The petitioner is on bail even in that case; in which he was first arrested. Still further, it is contended that recovery of money is no recovery in the eyes of law.

Be that as it may, the fact remains that the petitioner is in custody since 18.04.2017 and the trial is likely to take longer time.

In view of the above, without commenting on the merits of the case, the present petition is allowed. Petitioner is granted the concession of bail pending trial. He be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate.

(RAJBIR SEHRAWAT)
JUDGE

10.12.2018
Hemlata

Whether speaking/reasoned	Yes / No
Whether reportable	Yes / No