

Sr. No.219

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

CRM-M-47347-2018(O&M)

Date of decision:5.12.2018

Sandeep @ Leela

.....Petitioner

versus

State of Haryana

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Saurabh Sharma, Advocate
for the petitioner.

Mr. Vijesh Sharma, DAG, Haryana.

Rajbir Sehrawat, J(Oral)

CRM-38109-2018

Allowed as prayed for.

CRM-M-47347-2018

Present petition has been filed for seeking bail pending trial in FIR No.41, dated 19.03.2018 for the offences punishable under Sections 341,342,395,506,120-B IPC and Section 25 of Arms Act registered at Police Station Rajound, District Kaithal.

Learned counsel for the petitioner contends that the co-accused of the petitioner, who were similarly situated as the petitioner; have already been granted bail; on account of default of filing of challan by the investigating officer; as well as thereafter. There is no difference of role as per the attribution to the petitioner and the attribution to the co-accused. Hence bail pending trial is prayed for.

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

Ajit Rai submits that the petitioner is involved in a serious crime. Therefore, he could not be released on bail. However, learned State counsel has not disputed the fact that co-accused of the petitioner, with similar role as is attributed to the petitioner, have already been released on bail.

Shri Ajit Rai, SI Police Station Cheeka, District Kaithal is present in person and has filed an affidavit in which he has stated that at the relevant time, he was having 5-6 more heinous crimes for investigation. Therefore, he could not file the challan against the accused in the first instance. He has tendered his apology for the said lapse on his part.

This Court finds that, for the limited purpose of present bail application, it would not be un-justified to accept this explanation and apology of the investigating officer.

Be that as it may, the co-accused of the petitioner with similar roles, have already been released on bail.

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

5th December, 2018

Shivani Kaushik

**[RAJBIR SEHRAWAT]
JUDGE**

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*