

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

**CRM-M No.46453 of 2017
Decided on: 27.03.2018**

Shehzad

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. R.S. Sihota, Sr. Advocate
with Mr. B.R. Rana, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

CRM No.8887 of 2018

Heard.

Allowed as prayed for.

Orders (Annexures P3 and P4) are taken on record.

CRM No.9804 of 2018

Heard.

Allowed as prayed for.

Copy of the order (Annexure P5) is taken on record.

CRM No.10842 of 2018

Heard.

Allowed as prayed for.

The orders dated 28.02.2018 and 12.03.2018 passed by the
Chief Judicial Magistrate, Mewat (Annexures P6 and P7) are taken on
record.

CRM-M No.46453 of 2017

Prayer in this petition is for grant of regular bail to the petitioner in FIR No.494 dated 08.07.2017, for offence punishable under Sections 392, 394 of the Indian Penal Code (in short 'IPC') and 25 of the Arms Act registered at Police Station Nuh, District Nuh.

Counsel for the petitioner has submitted that initially the FIR was registered under Sections 379-A and 506 IPC but thereafter, on the basis of a supplementary statement, the aforesaid Sections were deleted and Sections 392 and 394 IPC read with Section 25 of the Arms Act were added in the FIR. It is further submitted that the petitioner is in judicial custody since 08.08.2017, investigation is complete and the challan has already been presented. Counsel for the petitioner with reference to the orders passed by the trial Court (Annexures P6 and P7) has submitted that despite availing number of dates, the prosecution has failed to examine its witnesses till date. Counsel for the petitioner has also submitted that the petitioner is on bail in two other FIRs i.e. FIR Nos.504 and 510 and has placed on record the copy of the order granting bail to the petitioner by the trial Court.

Counsel for the State, on instructions from ASI Amar Singh, has not disputed the factual position and has admitted the fact that till date no prosecution witness has been examined and the petitioner is on bail in the aforesaid two FIRs.

Without commenting anything on merits of the case and considering the fact that the petitioner is in judicial custody since 08.08.2017; the challan has already been presented; no prosecution witness has been examined so far despite availing various dates and in

view of the fact that he is on bail in other FIRs, the present petition is allowed and the petitioner is directed to be released on bail subject to his furnishing fresh bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail, if the petitioner is found misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

27.03.2018
yakub

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