

208 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Hemlata
2018.05.14 18:06
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CRM-M-48036-2017 (O&M)
Date of decision: 14.05.2018

Vikas @ Hakla

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Ramesh Malik, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No. 684 dated 16.06.2015 for offences under Sections 392, 412, 216-A of IPC, registered at Police Station Chandni Bagh, Panipat, District Panipat.

Learned counsel for the petitioner submits that as per allegation in the FIR, two persons had snatched Rs.5,000/-, a mobile phone and the motorcycle from the complainant. Later on, co-accused, Parmod was arrested and on his disclosure statement, petitioner was nominated in this case. Learned counsel for the petitioner submits that the petitioner is a farmer by profession and aged about 28 years and he has been involved in some cases pertaining to the year 2016-2017 and prior to that he is not involved in any other case and in one case, he stands acquitted. In three other FIRs, the petitioner is on bail and in the present case, he is in judicial lock up since 27.03.2017 and out of 12 prosecution witnesses, only 02 witnesses have been examined so far. It is further submitted that the conclusion of the trial will take long time.

Learned State counsel has filed the custody certificate and as per this certificate, the petitioner is in judicial lock up for the last about one year and half month and he is on bail in four other FIRs and in one case, he stands acquitted.

Learned State counsel, on instructions from ASI Rajender Singh further submits that two of the co-accused, namely, Ram Niwas and Kamal were granted concession of regular bail and the motorcycle of the complainant was recovered from Ram Niwas and the motorcycle used in the crime was recovered from co-accused - Parmod.

Without commenting anything on merits of the case and considering the fact that the petitioner is on bail in other cases and he is in judicial lock up since 27.03.2017; the co-accused of the petitioner have already been granted the concession of regular bail; the conclusion of the trial will take long time, the petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate.

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

(ARVIND SINGH SANGWAN)
JUDGE

14.05.2018

Hemlata

Whether speaking/reasoned
Whether reportable

Yes / No
Yes / No