

Sr. No.223

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

**CRM-M-50340-2018
Date of decision:5.12.2018**

Jugnu

.....Petititner

versus

State of Haryana

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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

Mr. Vijesh Sharma, DAG, Haryana

Rajbir Sehrawat, J(Oral)

Present petition has been filed for seeking bail pending trial in FIR No.1019, dated 15.11.2017 for the offences punishable under Sections 399,402 IPC and Sections 25,54 of Arms Act, registered at Police Station Model Town, District Panipat .

Learned counsel for the petitioner contends that the case against the petitioner has been registered only on the basis of secret information to the effect that the petitioner; with the co-accused; was planning to commit dacoity. However, the petitioner is not involved in any such crime as alleged in the FIR. Even during the investigation, nothing has been found by the police to connect the petitioner with the alleged crime. Petitioner is in custody since 16.11.2017. Learned counsel further submits that out of 9 witnesses only 5 witnesses have been examined so far and trial is likely to take a longer time. Therefore, petitioner deserves the concession of bail pending trial.

On the other hand, learned State counsel, being instructed by ASI Surender Singh submits that the iron rod has been recovered from the petitioner. It is further contended that on the basis of the secret information; when the raid was conducted then the Investigating Officer had over-heard the petitioner talking to the other co-accused; while planning for the dacoity. It is further contended that there have been 7 more cases against the petitioner.

In response thereto, learned counsel for the petitioner submits that the petitioner has already undergone the sentences in all the 7 other cases. Petitioner is not in custody in any other case; as of now. Learned counsel has further submitted that the iron rod allegedly recovered from petitioner has not been used anywhere. The assertion of the investigating officer; that he over-heard the conversation regarding the dacoity, is a moot point, which is to be ascertained during the trial.

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*