

CRM-M-49434-2017

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-49434-2017

Date of Decision: 24th April, 2018

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...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Chanderhas Yadav, Advocate, for the petitioner.

Mr. Kuldeep Sharma, DAG, Haryana.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court for grant of regular bail by filing this petition under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.476, dated 13.08.2017, registered at Police Station Sadar Bhiwani, under Section 379-B read with Section 34 of the Indian Penal Code and Sections 25 and 54 of Arms Act.

It is the contention of the learned counsel for the petitioner that the petitioner is running a mobile shop. He has been roped in a case of recovery of a mobile phone, which is alleged to be that of complainant-Vipin Arora, which was taken away by the co-accused at the time of snatching his vehicle on 13.08.2017. The said mobile was sold to the petitioner and therefore, the petitioner is stated to be involved in the commission of offence. Counsel contends that except for the mobile phone, nothing else has been recovered from the petitioner. The vehicle and the pistol have been recovered from co-accused Paramjit and Sohit. Counsel

contends that the petitioner is in custody since 22.08.2017 and charges in this case were framed on 12.01.2018 but till date, no prosecution witness has been examined although 11 witnesses have been cited. He states that the trial is not likely to conclude soon and therefore, the petitioner be granted the concession of regular bail during the pendency of the trial.

Counsel for the State, on instructions from ASI Pardeep Kumar, P.S. Sadar Bhiwani, could not dispute the factual assertion of the counsel for the petitioner with regard to the recovery of mobile phone without sim having been effected from the petitioner. He, however, states that the next date of hearing before the trial Court is 11.05.2018, for which date, all the prosecution witnesses have been summoned. He states the the petitioner may not be granted the concession of regular bail.

Having considered the submissions made by the counsel for the parties and keeping in view the allegations made against the petitioner with the fact that out of total 11 prosecution witnesses cited, none has been examined till date and therefore, the trial is not likely to conclude soon, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court concerned.

Any observation made herein-above shall have no bearing on the merits of the case during the trial in any manner.

(AUGUSTINE GEORGE MASIH)
JUDGE

24th April, 2018
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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No

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