

CRM-M-7970-2018

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-7970-2018

Date of Decision: 1st March, 2018

Dilshad & another

...Petitioners

Versus

State of Haryana

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Ravinder Bangar, Advocate
for the petitioners.

Mr. Apoorv Garg, DAG, Haryana.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioners have 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.0017, dated 17.01.2017, registered at Police Station Ladwa, District Kurukshetra, under Section 136 of the Indian Electricity Act, 2003.

It is the contention of the learned counsel for the petitioners that although there are 16 other FIRs against the petitioners apart from the present one but in some of them, petitioners have been granted the concession of bail. He contends that the petitioners are in custody for more than 11 months now and the maximum sentence under the offence which has been alleged to have been committed by the petitioners is 3 years. He, therefore, prays for the concession of regular bail in the light of the fact that the trial is not likely to conclude in near future.

Counsel for the State, on instructions from ASI Ranjor Singh, P.S. Ladwa, District Kurukshetra, vehemently contends that the petitioners are habitual offenders and there are large number of cases of similar nature registered against them, however, he could not dispute the fact that the petitioners are in custody for more than 11 months and since, in none of the cases, they have been convicted as yet and therefore, the maximum sentence as of now which could be passed by the trial Court is 3 years.

In the light of the above facts and circumstances of the case and keeping in view the period of custody of the petitioners as also the fact that the trial is not likely to conclude soon, this criminal miscellaneous petition is allowed without expressing any opinion on the merits of the case and the petitioners are ordered to be released on bail subject to their furnishing bail and surety bonds to the satisfaction of the trial Court concerned.

(AUGUSTINE GEORGE MASIH)
JUDGE

1st March, 2018
Harish

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No