

In the High Court of Punjab and Haryana at Chandigarh

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CRM-M-889-2019

Date of Decision: February 11, 2019

Rajiv

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. R.S. Dhull, Advocate,
for the petitioner.

Mr. Sushil Gautam, DAG, Haryana

Ajay Tewari, J (Oral)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.401, dated 31.08.2016, registered under Sections 364-A, 216, 387, 511, 120-B IPC and 25-54-59 of Arms Act, at Police Station City Kaithal, District Kaithal.

Fresh custody certificate dated 09.02.2019 of the petitioner filed in Court today, is taken on record. As per the same, petitioner has not undergone any custody in the present case.

In this case, firstly petitioner was not named in the FIR and has been implicated only of the disclosure statement of co-accused to the effect that he had reccecd the venue. I asked the Deputy Advocate General to point out if apart from the disclosure statement, any other evidence had appeared against the petitioner in the last 2-1/2 years that the case has been pending. Learned Deputy Advocate General, on instructions from SI Raj Kumar, has accepted that there is no other evidence against the petitioner.

Keeping in view the above facts, without going into the merits of the case, I deem it appropriate to release the petitioner on regular bail to the satisfaction of the trial Court/Duty Magistrate, Kaithal. Ordered accordingly.

It is, however, made clear that even if the petitioner does not submit the bail bonds in this case, it would be deemed that he has been released on bail and even if he would not be able to find this period as custody period subsequently.

Petition stands allowed.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

February 11, 2019
vkd

(Ajay Tewari)
Judge

Whether speaking / reasoned : Yes / No

Whether reportable : Yes / No