

CRM-M-5113-2019

Date of decision: February 14, 2019

Jagdish

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**Present:** Mr. Minkal Rawal, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN J. (Oral)

Counsel for the petitioner submits that while granting bail to the co-accused of the petitioner-Rahul in CRM-M-55181 of 2018, the following order was passed on 19.12.2018:-

“Counsel for the petitioner has submitted that as per the allegation in the FIR, on receiving a secret information, the police raided the premises of a dhaba where two persons were caught red handed by filling spirit from one tanker in the drums kept in another vehicle and four drums full of spirit and two empty drums having capacity of 200 liters each were recovered. It is further submitted that conclusion of the trial will take some time as the offences are triable by the Court of Magistrate. It is also submitted that the petitioner is no more required for further investigation.

Counsel for the State has filed the custody certificate and on instructions from SI Hawa Singh, has not disputed the factual position but opposed the prayer for bail. It is further submitted that the report under Section 173 Cr.P.C. is yet to be filed and the petitioner is involved in one more case, i.e. FIR No.303 dated 18.6.2015, however, he is on bail in the said case.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody since 26.10.2018; the offences are triable by the Court of Magistrate; challan is yet to be presented and conclusion of

the trial is likely to take some time, this petitions is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds, to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate.

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

Counsel for the petitioner further submits that the petitioner is not involved in any other case; the conclusion of the trial is likely to take some time; the petitioner is in custody since 26.10.2018 and the offence are triable by the Court of Magistrate.

Learned State counsel, on instructions from ASI Ravinder, does not dispute the factual position.

Without commenting on the merits of the case, considering the fact that the petitioner is in custody since 26.10.2018 and is not involved in any other case, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

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

February 14, 2019
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(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No