

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

CRM-M-6540 of 2019(O&M)

Date of Decision: 06.03.2019

Julfikar Ahmed @ Julfi

....Petitioner

Versus

State of Haryana

....Respondent

CORAM:HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. M.D. Khan, Advocate
for the petitioner.

Mr. Yashwinder Singh, DAG, Haryana.

MAHABIR SINGH SINDHU, J.(Oral)

The present petition has been filed under Section 439 seeking bail pending trial in case First Information Report No. 334 dated 04.10.2018, under Sections 307, 34 of the Indian Penal Code and Sections 25/54/59 of the Arms Act, 1959 registered at Police Station City Sohna, District Gurugram.

Complainant-Khurshidan, is present in the Court duly identified by learned counsel for the petitioner and states that she has no objection in case the petitioner is released on bail.

It is contended by learned counsel for the petitioner that since complainant has no objection in case the petitioner is released on bail. Further contends that the occurrence is alleged to have taken place on 03.03.2018 and the present FIR was registered on 04.10.2018. Also contends that the investigation is already complete and the report under Section 173 Cr.P.C. has already been submitted before the Court of competent jurisdiction on 05.03.2019.

On instructions from ASI Deep Chand, learned State counsel has acknowledged the above factual position, but he opposed the prayer of bail to the petitioner on the premises that one country made pistol, one empty cartridge and one Scooty have been recovered from him during investigation.

Heard learned counsel for the parties and perused the paper book.

Keeping in view the facts that complainant-Khurshidan has stated that she has no objection in case the petitioner is released on bail; he is not involved in any other criminal case; there is a delay of seven months in lodging of the FIR; report under Section 173 Cr.P.C. has already been submitted before the Court of competent jurisdiction and trial will take a long time to conclude as charges are yet to be framed, therefore, further incarceration of the petitioner will not serve any purpose

In view of the abovesaid circumstances, without expressing any opinion on the merits of the case, this petition is accepted. Petitioner-Julfikar Ahmed @ Julfi be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of the learned trial Court.

[MAHABIR SINGH SINDHU]
JUDGE

March 06, 2019
rashmi

Whether speaking/reasoned
Whether reportable?

yes/no
yes/no