

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No. c of 2019
Date of Decision:.15.03.2019

Rajesh Kumar @ Pandit

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sachin Mittal, Advocate for the petitioner.
Mr. Yashwider Singh, DAG, Haryana.

MAHABIR SINGH SINDHU, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure (for short 'Cr.P.C') for grant of bail pending trial to the petitioner in case FIR No.10 dated 12.01.2019, under Sections 407,420,467,468,471 and 120-B of the Indian Penal Code, registered at Police Station Sector 65, Gurugram.

It is contended that the petitioner is in custody since 16.01.2019 and co-accused namely Liyakat Ali has already been granted concession of bail by learned trial Court. Further contends that nothing is to be recovered as after completion of investigation, report under Section 173 Cr.P.C has already been submitted before the Court of competent jurisdiction and charges are yet to be framed.

On the other hand, learned State Counsel, on instructions from ASI Vikas Kumar, has opposed the bail application by contending that

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recovery has been effected from the petitioner and not from Liyakat Ali.

Heard both sides and perused the paper book.

There is no doubt that after investigation of the case, report under Section 173 Cr.P.C has already been presented before the Court of competent jurisdiction and nothing is to be recovered from the petitioner. Undisputedly, no other other criminal case is pending against the petitioner and there is no apprehension that he is likely to hamper the trial in any manner. Thus, no useful purpose would be served by keeping him behind the bars and thus, it would be just and appropriate if the concession of bail is granted to the petitioner. Therefore, this petition is allowed and petitioner- Rajesh Kumar @ Pandit is ordered to be released on bail, in this case, on his furnishing adequate bail bonds and surety bonds to the satisfaction of learned trial Court.

The above observations may not be construed as an expression of opinion on merits of case.

15.03.2019

mamta

**(MAHABIR SINGH SINDHU)
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>