

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-11244-2019

Date of decision: 15.03.2019

Jangesh @ Kala

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. A.K. Khubbar, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.01 dated 01.01.2019 under Sections 398, 401 IPC and Section 25 of Arms Act, registered at Police Station Tosham, District Bhiwani.

Learned counsel for the petitioner submits that as per allegations in the FIR, on 01.01.2019, the police, on receiving a secret information that 4-5 persons have parked their pickup vehicle on the left side of the road and they are full of suspicion and may commit any crime like robbery. The police intercepted them and on search, recovered 05 live cartridges along with a pistol of 3.15 bore from co-accused Anshul, baseball from Rahul @ Chotu, hockey stick from Suresh son of Jogram, one torch from Bagdavat son of Seth Ram and from the petitioner, nothing was recovered.

Learned counsel for the petitioner further submits that the

petitioner is in custody since 01.01.2019 and except the allegation, based on secret information that the accused persons may commit any crime, no further evidence has come against them. It is further submitted that the petitioner was in fact working as driver on the vehicle, which is owned by one Vinod Rawat, who is in the business of sale and purchase of buffaloes. Learned counsel further submits that the investigation is complete, challan has been presented and conclusion of the trial will take some time.

Learned State counsel, on the basis of custody certificate 14.03.2019 filed in the Court today, has however opposed the prayer on the ground that the petitioner is involved in one more case/FIR, however, it is not disputed that the investigation in this case is complete.

Without commenting anything further on merits of the case, considering the fact that nothing was recovered from the petitioner and he was found to be driver of the vehicle, which is owned by one Vinod Kumar, as per the registration certificate of the vehicle, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bond to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

15.03.2019
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No