

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc.-M-28645 of 2018
Date of Decision: March 08, 2019.

SunilPetitioner
versus
State of HaryanaRespondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU.

Present: Mr.Amitabh Tewari, Advoate, for the petitioner.
Mr.Yashwinder Singh, DAG, Haryana.

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Mahabir Singh Sindhu, J. (Oral)

The present petition under Section 439 Cr.P.C. has been filed praying for grant of concession of regular bail to the petitioner in case FIR No.75 dated 23.03.2018 registered under Sections 392/394/34/120-B/201 IPC and Section 25/54/59 of the Arms Act, at Police Station Bajghera, Gurugram.

Brief facts of the case of prosecution are that on 23.03.2018 complainant Mahesh Kumar made a complaint alleging that he had an office in Palam Vihar, Gurugram in the name of Shiva Properties. At about 5.00 p.m. while he was sitting in his office alongwith Suresh Setia and Sansar Singh, meanwhile about three boys entered in his office with weapons and snatched his bag containing Rs.5 lacs and keys of vehicles. They had also snatched bags containing various documents on the point of pistol. On this, the present case was registered. During investigation, accused was arrested on 24.04.2018.

It is contended by learned counsel for the petitioner that the petitioner is in custody since 24.04.2018 and he is neither named in the FIR

nor any other criminal case is pending against him. Also contends that out

of 24 prosecution witnesses, 9 have been examined and as such the trial will take long time in its conclusion.

Learned State counsel has acknowledged the above factual position, however, he opposed the bail on the premise that petitioner is a member of the gang but on a pointed query, learned State counsel stated that no other criminal case is pending against him.

Heard both sides and perused the paper book.

Undisputedly, co-accused of the petitioner, namely, Ramesh against whom there are similar allegations, has already been granted the concession of bail by the learned Additional Sessions Judge, Gurugram vide order dated 13.02.2019 and there is nothing to be recovered from the petitioner as report under Section 173 Cr.P.C. has already been submitted and after framing of charges, prosecution evidence is going on, but nothing incriminating against him has been brought to the notice of this Court. Also necessary to be mentioned that there is no other criminal case pending against the petitioner.

In view of the above-said circumstances, without expressing any opinion on the merits of the case, this petition is accepted and the petitioner Sunil son of Rajkumar be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of the learned trial Court.

March 08, 2019

mohinder

**(MAHABIR SINGH SINDHU)
JUDGE**

Whether speaking/reasoned

:

Yes/No

Whether Reportable

:

Yes/No