

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

CRM-M No.35863 of 2018

Date of Decision: 26.03.2019

Shehjad and another

....Petitioners

Versus

State of Haryana

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Rajeev Kumar Sharma, Advocate
for the petitioners.

Mr. Karan Sharma, A.A.G., Haryana.

DAYA CHAUDHARY, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C for grant of regular bail to petitioners, namely, Shehjad and Wajid in case FIR No.202 dated 01.09.2017 registered under Sections 328 and 379 IPC at Police Station Panipat Sadar, District Panipat.

Learned counsel for the petitioners submits that the petitioners have falsely been implicated in the case, whereas, they were not involved. The petitioners are in custody since 01.11.2017 and their co-accused have already been released on bail. The statement of the complainant has been recorded and he has not identified the accused in the Court.

Learned State counsel has not disputed the custody period and release of co-accused on bail and also with regard to recording of statement of the complainant but he has opposed the bail of the petitioners on the ground that total nine cases are there against them, whereas, learned counsel for the petitioners submits that out of total nine cases, in two cases, the

petitioners have been acquitted of the charge; in one case, they have undergone the sentence and in other cases, they are on bail.

Heard the arguments of learned counsel for the parties and have also perused the contents of the FIR as well as other documents available on the file.

As per submissions made by learned counsel for the petitioners that even number of cases are there against co-accused, who have been released on regular bail they are in the custody since 01.11.2017 and also the fact that the complainant has not identified the accused; still time may be taken in conclusion of the trial and material witnesses including the complainant have been examined, the present petition is allowed and petitioners, namely, Shehjad and Wajid are directed to be released on regular bail on their furnishing bail/surety bonds to the satisfaction of the trial Court.

However, the State is at liberty to move an application for cancellation of bail, in case, the petitioners are found to be involved in any other case of similar nature.

(DAYA CHAUDHARY)
JUDGE

26.03.2019
gurpreet

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No