

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-53571-2018 (O&M)
Date of decision: 27.02.2019

Devender @ Deva

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Bhupender Singh, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

CRM-6122-2019

For the reasons stated in the application, same is allowed and
Annexures P-4 to P-7 are taken on record.

CRM stands disposed of.

CRM-M-53571-2018

This is 2nd petition for grant of regular bail in FIR No.97 dated
09.02.2017 under Sections 395, 397, 412, 201, 120-B IPC and Section 25 of
Arms Act, registered at Police Station Civil Lines, Gurugram.

First petition was dismissed as withdrawn on 02.08.2018 and new
ground taken in this 2nd petition is that subsequently, some of the prosecution
witnesses have been examined.

Learned counsel for the petitioner submits that out of total 13

accused, who are facing the trial, 09 have already been granted the concession of bail either by the Court of Sessions or by this Court. Learned counsel has referred to the statement of complainant Krishan Kumar PW1 as well as one witness Shruti Bhardwaj, who appeared as PW2, where they have failed to identify any of the accused person during their examination-in-chief. It is further submitted that though PW4 Mukesh, who was the Security Guard, has identified two persons, but he was unable to identify them by name and on asking of the Court, the accused have disclosed their names as Waseek Ahmad and Bhagat Singh.

Learned counsel for the petitioner further submits that aforesaid Bhagat Singh has already been granted the concession of regular bail by the Addl. Sessions Judge, Gurugram vide order dated 08.09.2017. It is thus argued that it will be a debatable issue regarding identity of the petitioner to be decided by the trial Court.

Learned counsel for the petitioner has further submitted that the petitioner was arrested on 12.02.2017 and a period of 02 years has already lapsed and the petitioner, except the present FIR, is not facing any case of similar nature.

Learned State counsel, on instructions from SI Yogender Singh, has not disputed the factual position and submits that out of total 38 prosecution witnesses, 07 PWs have been examined. It is further submitted that some gold articles and Rs.2.50 lacs were recovered from the petitioner.

Without commenting anything further on merits of the case, considering the fact that the petitioner is in custody for more than 02 years and the case is still at the stage of recording the prosecution evidence; 31

prosecution witnesses remain to be examined; petitioner is not facing any such or similar trial, 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

27.02.2019
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No