

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-31394-2019 (O&M)
Date of decision: 27.09.2019

Pawan and another

... Petitioners

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Keshav Pratap Singh, Advocate
for the petitioners.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

This is 2nd petition for grant of regular bail in FIR No.36 dated 17.01.2019 under Sections 188, 447, 420 IPC, registered at Police Station Suraj Kund, District Faridabad, earlier one was dismissed as withdrawn on 13.05.2019.

Learned counsel for the petitioners submits that as per allegations in the FIR, the petitioners were trying to sell the Municipal Corporation land to some persons. It is further submitted that the petitioners are in custody since 11.04.2019; challan stands presented; charges have been framed; 07 PWs have already been examined and the persons, cited as witnesses, who have allegedly purchased the land, have not supported the prosecution version. Learned counsel further submits that since the offences are triable by the Court of Magistrate and the evidence is not concluded within a period of 60 days as per

Section 437 (6) Cr.P.C., the petitioners are entitled to bail.

Learned State counsel has filed the custody certificate dated 26.09.2019 in the Court today and on instructions from the Investigating Officer, who is present in the Court, could not dispute the factual position.

Without commenting anything on merits of the case, considering the fact that the petitioners are in custody since 11.04.2019; offences are triable by the Court of Magistrate and the evidence is not concluded within 60 days, as required under Section 437 (6) Cr.P.C., this petition is allowed and the petitioners are directed to be released on regular bail subject to furnishing their bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

27.09.2019
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No