

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

**CRM-M No.40797 of 2019 (O&M)
Date of Decision: 30.09.2019**

Sandeep Sharma

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Harinder Pal Singh Ishar, Advocate for the petitioner.

Mr. Arun Kumar, AAG, Haryana for the respondent/State.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 439 Cr.P.C. for grant of bail pending trial to the petitioner in case bearing FIR No.47 dated 17.02.2019, under Section 25 of the Arms Act, 1959 and Section 392 of the Indian Penal Code, 1860, registered at Police Station Chandimandir, District Panchkula.

Contentends that petitioner is in custody since 17.02.2019 and on earlier occasion also, he was implicated in the similar case regarding the theft of E-rickshaw in FIR No.22 dated 19.02.2019, under Sections 379 and 411, IPC, registered at Police Station Sector 20, Panchkula, but he stands acquitted by learned Judicial Magistrate 1st Class, Panchkula, vide judgment dated 04.09.2019 (P-3). Also contends that the occurrence is alleged to have taken in the broad daylight at 11:00 AM on 16.02.2019 and there is delay of approximately 36 hours in lodging the FIR. Further

contends that there is no other criminal case against the petitioner and out of total 11 prosecution witnesses, only 03 have been examined.

The aforesaid factual position is duly acknowledged by learned State Counsel, on instructions from ASI Pavitra Singh, but opposed the present bail application.

Heard both sides and perused the paper-book.

Since petitioner is in custody since 17.02.2019 and trial will take sufficient long time in view of the fact that 08 prosecution witnesses are yet to be examined and moreover, there is a delay of more than 36 hours in lodging the FIR, thus, further incarceration of the petitioner will not serve any purpose. Consequently, without expressing any opinion on the merits of the case, the present petition is allowed. Petitioner be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

The above observations may not be construed as an expression of opinion on the merits of the case.

It is clarified that in case there is any recurrence on the part of the petitioner, State of Haryana would be at liberty to move an appropriate application for recalling of this order.

September 30, 2019
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes