

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

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**CRM-M-41676-2019
Date of decision: 15.11.2019**

Surender @ Michu

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Rajesh Dhankhar, Advocate for the petitioner.

Mr. Arjun Singh Yadav, AAG, Haryana.

ARUN KUMAR TYAGI, J (ORAL)

The petitioner has filed the present second petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.126 dated 09.04.2018 under Sections 285/379-B of the Indian Penal Code, 1860 and 25/54/59 of the Arms Act, 1959 registered at Police Station Badhra, District Charkhi Dadri.

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. The petitioner is in custody since 20.04.2018. Out of 22 witnesses only four witnesses have been examined including the complainant. The trial is likely to take long time. Co-accused of the petitioner namely Sombir Singh has already been granted regular bail by a Coordinate Bench of this Court on 16.09.2019. The complainant has not identified the petitioner as being one of the assailants as reflected by certified copy of his statement recorded on 10.09.2019 placed on record today.

The bail application has been opposed by the learned State counsel who has argued that the petitioner, along with his co-accused,

had snatched the money and mobile of the complainant and had beaten the complainant. His first bail application was dismissed by this Court vide order dated 06.12.2018.

Keeping in view the facts and circumstances of the case particularly that the petitioner is in custody since 20.04.2018, only four witnesses have been examined, the trial is likely to take a long time, co-accused has been granted bail and the complainant has not identified the petitioner during trial as being one of the assailants but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bond(s) to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, Charkhi Dadri.

15.11.2019

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(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No