IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.42123 of 2019 (O&M)
Date of Decision: 04.10.2019

Kuldeep

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Deepak Gollen, Advocate for the petitioner.

Mr. Arun Beniwal, DAG, Haryana for the respondent/State.

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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.75 dated 14.04.2019, under Sections 379B, 427, 452, 147, 149, 188, 506 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959, registered at Police Station Narwana Sadar, District Jind.

Contends that petitioner was nominated as an accused in this case only on the basis of disclosure statement, made by co-accused Manoj @ Moja, who has already been granted the concession of bail pending trial by this Court, vide order dated 18.09.2019 (P-4). Also contends that petitioner is in custody since 27.04.2019 and now the case is fixed for 30.10.2019 for prosecution evidence.

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

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Heard both sides and perused the paper-book.

Since co-accused of the petitioner has already been granted the concession of bail pending trial by this Court; petitioner is in custody since 27.04.2019 and trial will take sufficient long time in view of the fact that case is pending for prosecution evidence, 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.

October 04, 2019 **(MAHABIR SINGH SINDHU)**
Gagan **JUDGE**

Whether speaking/reasoned	*Yes/No*
Whether Reportable	*Yes/No*

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