

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

**CRM-M No.46610 of 2019 (O&M)
Date of Decision: 06.11.2019**

Parveen @ Lala

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Baljeet Beniwal, Advocate for the petitioner.

Mr. Tanuj Sharma, A.A.G., 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.185 dated 03.05.2019, under Sections 394, 397 of the Indian Penal Code, 1860 (Section 394, IPC was deleted; Section 395, IPC and Section 25 of the Arms Act, 1959 were added later on), registered at Police Station City Palwal, District Palwal.

Contentends that petitioner is in custody since 07.05.2019 and none of the other co-accused have been apprehended in this case. Also contentends that there is no other criminal case pending against the petitioner and moreover, as per the allegations in the FIR itself, there were 3/4 persons at the place of occurrence, thus, *prima facie*, ingredients of Section 395, IPC are not made out.

Learned State Counsel, on instructions from ASI Indraj, is not able to controvert the above submissions.

Since petitioner is in custody since 07.05.2019; investigation qua him is over; report under Section 173 Cr.P.C. has already been submitted and there is no other criminal case pending against the petitioner thus, his further incarceration would 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.

November 06, 2019

Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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