

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

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CRM-M-61700-2018.

Date of Decision: 20.05.2019.

Divesh

....Petitioner.

Versus

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. J.P. Jangu, Advocate for the petitioner.

Mr. Ashish Sanghi, Deputy Advocate General, Haryana.

Shekher Dhawan, J.

Present petition under Section 439 of the Criminal Procedure Code is for grant of regular bail to petitioner Divesh son of Madan Lal, who is facing trial in case F.I.R. No.372 dated 10.08.2018 under Sections 379-A/34 of the Indian Penal Code, registered at Police Station Sector-50, Gurugram.

Learned counsel representing petitioner contended that the petitioner is in custody since 07.09.2018, co-accused Virender Kumar and Harsh alias Hitesh have already been admitted to bail by learned Additional Sessions Judge, Gurugram, vide orders dated 15.12.2018 and 08.01.2019; trial of the case still to take some more time and no useful purpose would be served by detaining the petitioner behind the bars, so he be released on bail.

Custody certificate filed by learned State counsel is taken on

record.

Learned State counsel, on instructions from ASI Baljit Singh, contended that the petitioner is habitual offender and there is one more case of similar nature against the petitioner.

At this stage, without commenting anything on the merits of the case, which may not cause prejudice to any of the party at a later stage, but taking the above facts into consideration and the fact the petitioner is in custody since 07.09.2018, co-accused Virender Kumar and Harsh alias Hitesh have already been admitted to bail by learned Additional Sessions Judge, Gurugram, vide orders dated 15.12.2018 and 08.01.2019; trial of the case still to some more time and no useful purpose would be served by detaining the petitioner behind the bars, the present petition is allowed. Petitioner—Divesh, is ordered to be admitted to regular bail on his furnishing adequate bail bond and surety bond to the satisfaction of concerned learned trial Judge/ Chief Judicial Magistrate/ Duty Magistrate.

(SHEKHER DHAWAN)
JUDGE

20.05.2019

jitender

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No