

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-51151-2019 (O&M)
Date of decision: 19.12.2019

Raghubir

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. N.S. Baghel, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this 3rd petition is for grant of regular bail in FIR No.81 dated 19.07.2018 under Sections 120-B, 406, 420, 506 IPC, registered at Police Station Jagadhri Sadar, Yamuna Nagar.

Learned counsel for the petitioner submits that earlier two petitions for grant of regular bail filed by the petitioner were dismissed and now this third petition has been filed, as the petitioner has acquired a right under Section 437 (6) Cr.P.C.

Learned counsel for the petitioner has relied upon the order dated 11.12.2019 passed in CRM-M-43210-2019 and CRM-M-48810-2019, vide which the concession of regular bail has been granted to co-accused of the petitioner, namely Subhash Chand and Vikram @ Vicky. The operative part of the order reads as under: -

“Counsel for the petitioner(s) has argued that the petitioner – Subhash Chand was arrested on 14.02.2019 and the petitioner – Vikram @ Vicky was arrested on 24.02.2019. It is further argued that challan under Section 173(2) Cr.P.C. was presented on 02.03.2019 and charges were framed on 16.07.2019. It is also submitted that the case before the trial Court, for the first time, was listed for prosecution evidence for 29.07.2019 and till date, only 02 PWs have been examined (including the complainant) out of 21 PWs cited in the challan. Counsel for the petitioner(s) has, thus, argued that the petitioners are entitled to default bail as per the provisions of Section 437(6) Cr.P.C.

Counsel for the petitioner(s) has further submitted that as per the allegations in the FIR, the primary dispute is arising out of an agreement to sell and since the case is fixed for prosecution evidence, it will take long time in conclusion of the trial as the offences are triable by the Court of Magistrate.

Counsel for the State, assisted by counsel for the complainant and on instructions from SI Mehama Singh, has not disputed the dates as noticed above and argued that the complainant has already been examined.”

Learned State counsel, on instructions from SI Mehama Singh, has not disputed the factual position.

Without commenting anything on merits of the case, considering the fact that only three PWs have been examined so far, including the complainant and it will take some time in conclusion of the trial, this petition is

allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

19.12.2019

vishnu

[ARVIND SINGH SANGWAN]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No