

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

**Criminal Misc. No. M-54661 of 2018
Date of decision: 20.03.2019**

Zakir

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Farukh Abdullah, Advocate
for the petitioner.

Mr. Rajesh Sheoran, Addl. A.G., Haryana
for the respondent-State.

Daya Chaudhary, J. (Oral)

This is the second petition filed by the petitioner under Section 439 Cr.P.C. for grant of regular bail to him in case FIR No.16 dated 23.01.2015 registered under Sections 419, 420, 467, 468, 471 read with Section 120-B IPC at Police Station Nagina, District Nuh during pendency of the trial.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case on the basis of disclosure statement made by co-accused Ishak, who has been released on regular bail. Investigation has been completed and challan has also been presented. Learned counsel further submits that out of total eight accused, two have been released on anticipatory bail and two have been released on regular bail. Offence is triable by the Magistrate. Trial may take time to conclude and no purpose would be served by keeping the petitioner in custody. The petitioner is in custody since 29.08.2018.

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Learned State counsel has not disputed the custody period as well as the fact that the petitioner has been implicated in the case on the basis of disclosure statement made by co-accused, Ishak, who has been released on regular bail. However, learned State counsel has opposed grant of regular bail to the petitioner on the ground that the petitioner cannot claim parity with his co-accused as custody is quite lesser viz-a-viz those accused, who have been released on regular bail.

Heard arguments of learned counsel for the petitioner as well as learned State counsel and have also perused the contents of the FIR and other documents available on the file.

By considering the custody of the petitioner since 29.08.2018; the fact that the petitioner has been implicated on the basis of disclosure statement made by co-accused Ishak, who has been released on regular bail; challan has been presented and charges have been framed; trial may take time to conclude and no purpose would be served by keeping the petitioner in custody, the present petition is allowed and the petitioner (Zakir) is directed to be released on regular bail on furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

20.03.2019
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No