

CRM-M-47631-2019 (O&M)

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

**CRM-M-47631-2019 (O&M).
Decided on: January 6, 2020.**

Irfan

.. Petitioner

VERSUS

State of Haryana

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Ms.Shalini Atri, Advocate,
for the petitioner.**

Mr.Gaurav Bansal, AAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

Through the present petition filed under Section 439 Cr.P.C., the petitioner prays for the grant of regular bail in case FIR No.324 dated 17.6.2019, under Sections 379, 411, 420, 467, 468, 471 and 120-B of IPC and under Sections 2, 41, 42, 52, 55 and 69 of the Indian Forest Act, 1927, registered at Police Station, Tauru, District Nuh.

Learned counsel for the petitioner submits that name of the petitioner did not figure in the FIR, however, the petitioner was

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nominated on the disclosure statement of co-accused namely Juber. She further submits that even otherwise also as per the statement of co-accused Juber the only role attributable to the petitioner is that he was driving the vehicle of Juber and that there is no other case pending against the petitioner. She further submits that the petitioner is in custody for the last about 5½ months.

Per contra, learned State counsel submits that though the petitioner has been nominated on the basis of disclosure statement of co-accused, however, as the offence is serious in nature, the petitioner is not entitled to the concession of regular bail.

Learned State counsel, on instructions from ASI Sunil Kumar, submits that the material witnesses have already been examined.

I have heard the learned counsel for the petitioner as well as the learned State counsel.

It is an admitted fact that name of the petitioner did not figure in the FIR and he has been nominated on the basis of disclosure statement of one Juber and said Juber has already been granted bail by a Coordinate Bench of this Court vide order dated 24.10.2019 (Annexure P5) on the ground that his name was disclosed by one Azaz being owner of the truck.

Keeping in view the fact that the material witnesses have already been examined and the petitioner is in custody for the last more than 5½ months and further no useful purpose would be served by keeping the petitioner in custody as the conclusion of trial may take some more time, the

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present petition is allowed. It is ordered that the petitioner shall be released on bail on his furnishing adequate bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

January 6, 2020.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No