

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-49903-2019 (O&M)
Date of decision: 10.02.2020

Rahul @ Monu

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. D.P.S. Bajwa, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

This is 2nd petition for grant of regular bail in FIR No.177 dated 01.11.2018 under Sections 395/201 IPC, registered at Police Station Garhi, District Jind; earlier one was dismissed vide order dated 06.09.2019.

Learned counsel for the petitioner submits that as per allegations in the FIR, all the accused persons were having muffled faces and no one was arrested. It is further submitted that thereafter, another FIR No.195 dated 27.11.2018 was registered under Sections 395/201 IPC, at Police Station Garhi, District Jind, wherein two persons namely Rahul @ Monu and Rohit were arrested and on the basis of their disclosure statement, name of the petitioner was surfaced in the present FIR. It is also submitted that the petitioner has already been granted the concession of regular bail vide order dated 24.07.2019 passed in CRM-M-30267-2019 in the said FIR. Learned counsel further submits

that the petitioner, in the present FIR, is in custody since 03.12.2018 and the complainant, while appearing as a witness, has not identified any other accused person, except the petitioner, though in the FIR, it is stated that all of them were having muffled faces.

Learned State counsel, on instructions from ASI Suresh Kumar, has not disputed the factual position, however, submitted that out of total 10 prosecution witnesses, 07 PWs have been examined.

Without commenting anything on merits of the case, considering the fact that the petitioner has already been granted bail in aforesaid FIR No.195, where he was arrested and also in view of the fact that he is in custody for the last more than 01 year and 02 months; the case is still at the stage of recording the prosecution evidence and statement of the complainant has already been recorded, 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.

[ARVIND SINGH SANGWAN]
JUDGE

10.02.2020

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No