

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

CRM-M-53890-2019
Date of decision-10.01.2020

Tahir

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Saleem Ahmed, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

MANOJ BAJAJ, J.

Petitioner- Tahir has prayed for grant of regular bail under Section 439 Cr.P.C in case FIR No.408 dated 30.09.2019 registered under Sections 398 ad 401 of Indian Penal Code, 1860 and Section 25 of Arms Act, 1959 at Police Station Ferozepur Jhirka, District Nuh. The petitioner is in judicial custody since his arrest on 30.09.2019.

The FIR was registered on the complaint of SI Rajpal wherein it was stated that when complainant along with other officials was on patrol duty, a secret information was received that three young boys armed with illegal weapons were talking about the decoity of vehicles at Jhir road and upon raid, accused can be apprehended. Believing the said information to be true, the raid was conducted and Zahid armed with country pistol, Irfan, alongwith saria and Tahir (petitioner) who was holding torch in his hand were apprehended.

Learned counsel for the petitioner contends that the petitioner was apprehended only on the ground of preparation for decoity. He submits that the petitioner is not involved in any other case much less of the similar nature. It is pointed out that the investigation of the case is complete, therefore, further custody of the petitioner may not be necessary.

On the other hand, learned State counsel assisted by HC Manoj Kumar opposed the prayer. However, it is not disputed that petitioner is not involved in any other case. It is also not disputed that the investigation of the case is complete. She has apprised the Court that the case is fixed for prosecution witnesses for 20.02.2020 before the trial Court.

After hearing learned counsel for the parties, this Court is of the opinion that trial of the case is likely to consume considerable time, therefore, further custody of the petitioner may not be justified, particularly when the investigation of the case is complete. Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

10.01.2020

vanita

**(MANOJ BAJAJ)
JUDGE**

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No