

237 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-55544-2019
Date of decision-10.01.2020

Rahul Kumar

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms. Parminder Kaur, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

MANOJ BAJAJ, J.

Petitioner- Rahul Kumar has prayed for grant of regular bail under Section 439 Cr.P.C in case FIR No.1097 dated 01.10.2019 registered under Sections 148, 427, 506, 455 and 120-B read with Section 149 of Indian Penal Code, 1860 and Section 25 of Arms Act, 1959 at Police Station City Thanesar, District Kurukshetra. The petitioner is in custody since his arrest on 04.10.2019.

The FIR was registered on the statement of Shashi Sharma son of Randhir Sharma wherein it was alleged that on 01.10.2019, at about 1-15 p.m., 25-30 boys armed with knife, sword, bindas, axes and country made pistol, came in MG Grid Hotel, Mohan Nagar and damaged the property. After giving threats of killing to the staff of hotel, they all fled away from the hotel towards SKIET college. On these broad allegations FIR was registered.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present FIR as he is not even named in the FIR. Learned counsel has further placed reliance upon order dated 26.11.2019, passed in CRM-M-49007-2019, whereby co-accused, Sanjeev Kumar has been granted the concession of regular bail by this Court. According to him, offences are triable by Magistrate, therefore, further custody of the petitioner may not be necessary.

On the other hand, learned State counsel assisted by HC Surinder Kumar opposed the prayer. However, it is not disputed that the co-accused has already been granted the concession of bail. She has apprised the Court that the challan stands filed on 19.11.2019 and the case is fixed for framing of the charge before the trial Court.

After hearing learned counsel for the parties, this Court is of the opinion that offences are triable by Magistrate and trial of the case is likely to consume considerable time, therefore, further custody of the petitioner may not be justified. 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