

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

**CRM-M-32975-2021
Date of decision :19.08.2021**

Sagar @ Golu

... Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Balraj Singh Rathee, Advocate for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

This is the first petition filed by the petitioner under Section 439 Cr.P.C. for grant of regular bail in FIR No.55 dated 02.02.2019 under Sections 186, 307, 353 and 34 IPC and Sections 25/29/54/59 of Arms Act, 1959, registered at Police Station Sadar Rohtak, District Rohtak.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 07.02.2019 and in the present case challan has already been presented on 29.04.2019 and the charges have been framed on 01.10.2019 but however, only one witness out of 14 witnesses has been examined. It has further been argued that even as per the prosecution version the petitioner was not arrested on the spot and was involved in the case on the basis of the disclosure statement of the accused.

It has further been submitted that no injury has been caused to the police officials and the recovery of the so-called motor-cycle Pulsar

does not further the case of the prosecution inasmuch as, as per the prosecution version the accused were in a car.

Learned State counsel has submitted that the petitioner is involved in several cases and is a habitual offender. However, the averments made by the learned counsel for the petitioner could not be disputed by him. Learned counsel for the petitioner has also submitted that this Court had passed an order dated 03.08.2021 (P-2) in CRM-M-29907-2021 titled "Sagar @ Golu Versus State of Haryana" had granted regular bail to the petitioner in another FIR No.875 dated 24.12.2018 under Sections 379-B, 395, 397, 483 IPC and Sections 25, 54 and 59 of the Arms Act, registered at Police Station Sadar Bahadurgarh, District Jhajjar, in which case although the same argument of the learned State counsel to the effect that the petitioner was involved in several other cases was raised, yet, the petitioner was released on bail keeping in view his custody period, which was 02 years and 04 months and in the present case, the custody period is even more. It has also been submitted that the petitioner was involved in all the cases merely on the basis of the disclosure statement of the co-accused.

Keeping in view, all the facts and circumstances, stated above moreso, the fact that the petitioner has been in custody since 07.02.2019 i.e. 02 years, 06 months and 15 days and the challan has already been filed and only one witness has been examined out of 14 witnesses and thus, the trial is not likely to be concluded in the near future and also the fact that the present petitioner has only been involved on the basis of the disclosure statement of the co-accused and no injury has been caused to the

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned Illaqa Magistrate/Duty Magistrate/CJM concerned.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case.

(VIKAS BAHL)
JUDGE

19.08.2021
JITESH (JTS)

Whether speaking/reasoned:-	Yes/No
Whether reportable:-	Yes/No