

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

CRM-M-43760-2020 (O&M)

Date of decision: 14.07.2022

Mahipal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Amit Choudhary, Advocate for the petitioner.

Mr. Surender Singh, AAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 91 dated 14.04.2019, registered under Sections 365, 395, 397, 342, 412, 413, 414, 420, 467, 478, 472, 120-B IPC and Section 25 of the Arms Act, 1959, at Police Station Uklana, District Hisar.

Learned counsel for the petitioner submits that the petitioner was not named in the FIR; that the petitioner was arrested along with co-accused- Rattan, while driving a Verna Car; that the allegations against the petitioner is that he along with co-accused looted the truck from Driver-Rajesh on 11.04.2019; that no test identification parade was conducted; that some of the prosecution witnesses are yet to be examined and that the petitioner has been in custody for the last more than three years. As far as other cases are concerned, the petitioner is on bail.

Learned State counsel, while vehemently opposing the prayer for bail, submits that the petitioner along with co-accused looted the truck loaded with 18 ton iron garters, the recovery of one pistol, live cartridges, car from the petitioner and 156 quintal 45 kg. of iron garters from co-accused/Rattan, was effected. The petitioner is a habitual offender and involved in eight other cases. However, he does not dispute the custody period of the petitioner. He submits that out of 35 prosecution witnesses, only 04 have been examined so far.

I have heard the learned counsel for the parties.

The petitioner has been in custody for the last more than three years. In other cases, the petitioner is on bail. The recovery has already been effected. The remaining prosecution witnesses are yet to be examined. Therefore, the conclusion of the trial would take a long time. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

14.07.2022

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No