

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-26125 of 2016

Date of Decision: 23.09.2016

Rajinder Kumar

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Saurabh Arora, Advocate
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.184 dated 2.12.2013 under Sections 328, 379, 420, 473, 434, 201, 120-B IPC registered at Police Station Saha, Ambala.

Learned counsel for the petitioner contends that the petitioner is in custody since 9.4.2016 and so far as offence under Section 328 IPC is concerned, the same is debatable, as the ingredients of Section 328 IPC are not met out. He further submits that since the trial in the case will take sufficiently long time, as no prosecution witness has yet been examined, the petitioner be released on regular bail.

On the other hand, learned State counsel says that there is another case against the petitioner, though he is on bail in the same. However, he submits that keeping in view the fact that petitioner has been challaned for offence under Section 328 IPC, no case for bail is made out.

I have heard learned counsel for the parties.

Considering the fact the issue relating to offence committed by the petitioner under Section 328 IPC is debatable and the petitioner is custody since 9.4.2016, coupled with the fact that the trial will take sufficiently long time, no useful purpose would be served to keep the petitioner in custody. Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to his furnishing of bail bonds/surety bonds to the satisfaction of the trial Court.

It is made clear that expression made hereinabove shall not be construed as any opinion on the merits of the case.

September 23, 2016
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No