

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

**Criminal Misc. No. M-31941 of 2018
Date of decision: 18.01.2019**

Harikesh

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Rahul Deswal, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana
for the respondent-State.

Daya Chaudhary, J.

The present petition has been filed by petitioner-Harikesh under Section 439 Cr.P.C. for grant of regular bail to him in case FIR No.345 dated 27.08.2017 registered under Sections 121-A, 145, 150, 151, 152, 153, 146, 121, 216 read with Section 120-B IPC at Police Station Sector-5, Panchkula.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case on the basis of written complaint submitted by one Sanjeev Mahajan, Incharge of City Dainik Bhaskar Newspaper. Learned counsel further submits that neither the petitioner was named in the complaint nor any role or overt act was attributed to him. The petitioner has been implicated in the case only on the basis of disclosure statement made by co-accused as all his family members are followers of

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Dera. Learned counsel also submits that the petitioner was arrested on 09.12.2017 in the case without having any connecting evidence and by concocting a false story after more than three months from the date of registration of the FIR. Learned counsel also submits that the petitioner was not present at the place of occurrence as per tower location. Final report has been presented against some of the accused persons. Co-accused of the petitioner, namely, Rajinder Singh, Ved Parkash, Daljeet Singh, Chhinder Pal Arora, Balraj, Ranvir Singh and another, Ramesh, Bhim Sain, Ram Singh, Paramjeet Singh @ Param @ Kala and Govind Ram have been released on regular bail by this Court vide orders dated 06.04.2018, 14.05.2018, 29.05.2018, 01.06.2018, 13.07.2018 passed in CRM-M Nos.6971, 7582, 10785, 18476, 22164, 22141, 22038, 22814, 23624, 27984 and 28115 of 2018, respectively.

Learned State counsel has not disputed the custody period as well as release of co-accused on regular bail by this Court but has opposed grant of regular bail to the petitioner on the ground that he was involved in the offence and has played active role.

Heard arguments of learned counsel for the petitioner as well as learned State counsel and have also perused the contents of the FIR and other documents available on the file.

By considering the fact that the petitioner is in custody since 09.12.2017; investigation has been completed and challan has been presented; trial may take long time to conclude as challan qua many accused has not been presented as yet; aforesaid co-accused of the petitioner have been released on regular bail by this Court; no purpose would be served by

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keeping him in custody, the present petition is allowed and the petitioner (Harikesh) is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

18.01.2019
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No