

210 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-38387 of 2020

Date of Decision : 27.11.2020

Mosam

...Petitioner

Versus

State of Haryana

...Respondent

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Lekh Raj Nandal, Advocate for the petitioner.

Mr. Sharad Aggarwal, AAG, Haryana.

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.40 dated 16.02.2020 under Sections 392, 365, 397, 34 of IPC and Section 25 of the Arms Act, 1959 registered at Police Station Bhondsi, District Gurugram.

Learned counsel for the petitioner argues that the petitioner is in custody since 18.02.2020 and the investigation is already complete and the challan has already been submitted and, therefore, no useful purpose will be served by keeping the petitioner behind the bars as the trial is likely to take some time before it concludes.

Notice of motion.

Mr. Sharad Aggarwal, AAG, Haryana, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition accepts notice on behalf of respondent-State.

Learned State counsel submits that the petitioner was duly identified by the complainant in the identification parade and the car, which

was taken away from the complainant as well as pistol used in the crime, have been recovered from the petitioner. Learned State counsel concedes that the investigation is over and the challan has been submitted and there is no other case pending against the petitioner.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Once, the investigation is already over and the challan has already been submitted and the allegations alleged in the FIR are yet to be proved, no useful purpose will be served by keeping the petitioner behind the bars as the trial is likely to take some time before it concludes, hence, the petitioner has made out a case for the grant of regular bail, especially, when he is not involved in any other case.

Without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of trial Court/Duty Magistrate concerned.

Learned counsel for the petitioner undertakes that petitioner will not obstruct the trial in any manner or influence the witnesses, whose statement is yet to be recorded and in case of default of the above undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

November 27, 2020
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(HARSIMRAN SINGH SETHI)
JUDGE

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