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

**CRM-M No.51174 of 2019(O&M)
Date of Decision: 04.02.2020**

Sanjay

.....Petitioner

Vs

State of Haryana

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. Aman Pal, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

RAJ MOHAN SINGH, J.(Oral)

This is a petition under Section 439 read with Sections 437(6) and 482 Cr.P.C for grant of regular bail to the petitioner in case bearing FIR No.75 dated 09.03.2019 registered under Sections 379 and 420 IPC at Police Station Narnaund, District Hisar.

Petitioner sought bail on the strength of Section 437(6) Cr.P.C as the trial was not concluded within the period of 60 days from the first date fixed for taking evidence. Though the aforesaid provision is not mandatory but while declining the prayer, the Court has to record reasons for making divergence

from the provision which is some how couched in a directory overtone.

By referring to interlocutory orders from 16.07.2019 till 17.10.2020, learned counsel for the petitioner states that the delay is not attributable to the conduct of the petitioner in any manner. The reasons recorded by the trial Court in not adhering to the provisions in terms of Section 437(6) Cr.P.C do not confirm the requirement of law. Judicial Magistrate First Class, Hansi has declined the prayer by quoting allegations contained in the FIR.

Admittedly, the trial Court has not concluded the trial within two months from the first date fixed for taking evidence, therefore, petitioner is entitled to bail under Section 437(6) read with Sections 439/482 Cr.P.C. Even otherwise, offence is triable by the Magistrate. Petitioner is in custody since 09.03.2019. Charges have already been framed on 02.07.2019. Out of total 32 prosecution witnesses, only 1 witness has been examined so far. Trial of the case may take some time.

At this stage, without meaning anything on merits of the case, it would be just and appropriate to release the petitioner on regular bail subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

04.02.2020
Prince

(RAJ MOHAN SINGH)
JUDGE

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