

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

111

CRM-M-6813-2021.

Date of Decision: 16.08.2021.

Manish

....Petitioner.

Versus

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Amit Kohar, Advocate for applicant/petitioner.

Mr. Rajiv Sidhu, Deputy Advocate General, Haryana.

Lalit Batra, J.(Oral)

Present petition under Section 439 Cr.P.C has been moved by petitioner-**Manish** for grant of regular bail in case FIR No.33 dated 28.01.2019 under Sections 201 and 394 IPC read with Section 34 IPC and Sections 25 and 29 of Arms Act, registered at Police Station Narnaund, District Hisar.

Learned counsel for the petitioner *inter alia* contends that allegations levelled in the FIR are totally concocted, false and frivolous and there is no iota of truth therein. He further submits that petitioner is in custody since 19.03.2019 and he is no more required by the Investigating Agency for any investigation purpose. He further submits that after completion of investigation, final report under Section 173 Cr.P.C. (*Challan*) has already been presented in Court. He further submits that out of total 18 prosecution witnesses, six witnesses including complainant/injured-Pawan Kumar have already been examined. He further submits that

co-accused Sumit @ Monu has already been extended concession of regular bail by this Court, vide order dated 30.09.2019 passed in CRM-M-32520-2019. He further urges that out of three other cases, in one case (FIR No.39 dated 02.02.2019 under Sections 398 and 401 IPC and Sections 25 and 29 of Arms Act, Police Station Narnaund, District Hisar), petitioner has already been acquitted of charges by Trial Court, vide judgment dated 14.02.2020, whereas in two cases (FIR No.37 dated 27.01.2019 under Sections 379-B, 392 and 397 IPC and Section 25 of Arms Act, Police Station Sadar, Sonipat and FIR No.38 dated 30.01.2019 under Section 379-B IPC read with Section 34 IPC and Section 25 of Arms Act, Police Station Kharkhoda, District Sonipat), petitioner has already been admitted to regular bail by the Sessions Court, vide orders dated 10.07.2020 and 19.02.2021 respectively. He further submits that since trial of the case would take sufficient time to conclude, no useful purpose would be served by keeping the petitioner in custody further and he may be released on bail.

On the other hand, learned State counsel while opposing instant petition has vehemently argued that keeping in view seriousness of offence, petitioner does not deserve the concession of bail.

I have heard learned counsel for the parties and carefully gone through the record of the case.

At this stage, without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into consideration the fact that petitioner is in custody since 19.03.2019; that petitioner is no more required by the Investigating Agency for investigation purpose; that final report under Section 173 Cr.P.C. (*Challan*) has already

been presented in Court; that testimony of complainant/injured PW-2 Pawan Kumar have already been recorded; that co-accused Sumit @ Monu has already been extended concession of regular bail by this Court, vide order dated 30.09.2019 passed in CRM-M-32520-2019 and since trial of the case would take sufficient time to conclude, no useful purpose would be served by detaining the petitioner in custody further, thus, he deserves the concession of bail.

In view of above, instant petition for grant of regular bail moved by petitioner-**Manish** is allowed and he is ordered to be released on bail on his furnishing personal/surety bonds to the satisfaction of Trial Court/ Chief Judicial Magistrate/Duty Magistrate, Hisar, as the case may be.

(LALIT BATRA)
JUDGE

16.08.2021

jitender

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No