

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

**CRM-M-17746-2021
Date of decision: 17.11.2021**

Rajpal @ Billa

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Sandeep Siwach, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 369 dated 01.12.2020, registered under Sections 379-B, 323, 325, 34 of the IPC at Police Station Agroha, District Hisar.

Learned counsel for the petitioner, at the very outset, relies upon order dated 13.09.2021 jointly passed in CRM-M-15188 & 25004-2021, vide which co-accused Rakesh and Manjeet have already been granted the concession of regular bail by this Court. The operative part of the order reads as under:

“Learned counsel for the petitioners submits that as per allegations in the FIR, registered at the instance of Monu, he is a taxi driver and on 30.11.2020, when he was going to get CNG filled in his car, two persons of his village namely Manjeet and Rakesh along with one unknown person came there, carrying wooden sticks and iron rod and they attacked him and in that process, they snatched Rs.32,000/- and ATM card. It is also submitted

that on account of some personal enmity, this case has been registered by giving it a colour of robbery. It is further submitted that the petitioners are in custody for the last about 09 months; investigation is complete and they are no more required for further investigation.

Learned State counsel has filed the custody certificates dated 12.09.2021 of both the petitioners in the Court today and submitted that both the petitioners are involved in one more case, however, it is not disputed that the investigation is complete and challan stands presented.”

Learned counsel for the petitioner further submits that the allegations against the present petitioner are identical to that of aforesaid co-accused. It is further submitted that the petitioner is in judicial custody for the last 10 months and 02 days and conclusion of trial is likely to take a long time.

Learned State counsel has filed the custody certificate and has not disputed the factual position.

After hearing learned counsel for the parties, without making any comment on the merits of the case, considering the fact that petitioner is in judicial custody for the last 10 months and 02 days; two of the similarly situated co-accused have already been granted the concession of regular bail as noticed above, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

17.11.2021

Waseem Ansari

*Whether speaking/reasoned
Whether reportable*

(ARVIND SINGH SANGWAN)

JUDGE

*Yes/No
Yes/No*