

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-29877-2021 (O&M)

Date of Decision:24.11.2021

Ajay

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Saleem Ahmed, Advocate, for the petitioner.

Mr. Ranvir Singh Arya, Addl. Advocate General, Haryana.

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No 042 dated 11.02.2019, under Sections 342/379B/34 of IPC, registered at Police Station Sector -65, District Gurugram.

It has been submitted by the learned counsel for the petitioner that the petitioner had earlier also filed a bail application before this Court vide CRM-M-41718-2019 and the same was dismissed as withdrawn at that stage on 18.02.2020 vide Annexure P-2. He submitted that after that a period of more than 1 ½ years has elapsed, although there is no change in the circumstance but due to the long custody of the petitioner, he may be considered for the grant of regular bail. He submitted that it is not the fault of the petitioner that for a long period of 1 ½ years, the trial has not

progressed. He submitted that the petitioner was arrested on 09.04.2019 and is in custody for about 2 years and 7 months and the police filed the challan under Section 173 Cr.P.C on 22.07.2019 and till date the charges have not been framed and the fault cannot be attributable to the petitioner. He further submitted that considering the long custody of the petitioner, he may be considered for the grant of regular bail.

On the other hand, Mr. Ranvir Singh Arya, learned Additional Advocate General, Haryana has submitted that it is correct that the petitioner is in custody since 09.04.2019 which is about 2 years and 7 months and the challan was presented on 22.07.2019 and till date charges have not been framed. He submitted that the petitioner is also involved in 4 more cases and, therefore, he has opposed the grant of regular bail to the petitioner.

At this stage, learned counsel for the petitioner has submitted that although the petitioner is involved in 4 other cases but in all those cases also the petitioner has been falsely implicated and he is on bail in all four cases.

I have heard the learned counsel for the parties.

Although the petitioner has withdrawn the earlier bail application way back on 18.02.2020 but even after a lapse of more than 1 ½ years no progress has taken place in the trial and certainly the fault cannot be attributed to the petitioner regarding the delay and, therefore, considering the total custody of the petitioner, the second bail petition is certainly maintainable. As stated by the learned counsel for the petitioner, the petitioner is on bail in the other pending cases and, therefore, the same cannot be a ground for denial of bail to the petitioner.

Therefore, without commenting on the merits of the case and considering the total custody of the petitioner, the petitioner is entitled for the grant of bail. Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

24.11.2021

rakesh

(JASGURPREET SINGH PURI)
JUDGE

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