

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

110/2

**CRM-33314-2021 in/and
CRM-M-28506-2021
Date of Decision: 25.10.2021**

Sunil @ Kala

....Applicant/Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Rajesh Nain, Advocate and
Mr. Namit Khurana, Advocate for petitioner.

Mr. Vikrant Pamboo, Deputy Advocate General, Haryana.

Lalit Batra, J.(Oral)

CRM-33314-2021

This application under Section 482 Cr.P.C. is for preponing the date of hearing of the main petition, which is already fixed for 09.11.2021.

Notice of application.

At the asking of Court, learned State counsel accepts notice of application and stated that he has no objection if application is allowed.

In view of the grounds mentioned in the application and no objection by learned State counsel, hearing of the main petition is preponed and is taken on Board today itself.

CRM is allowed.

Main Case

Present petition under Section 439 Cr.P.C for grant of regular bail has been moved by petitioner-**Sunil @ Kala** in case FIR No.420 dated 28.10.2020 under Sections 148, 323, 395, 452, 458, and 506 IPC read with Section 149 IPC and Section 3 (2) (va) of The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Sections 148 and 395 IPC read with Section 149 IPC were deleted, whereas Sections 325 and 459 IPC read with Section 34 IPC were added later on), registered at Police Station Pundri, District Kaithal.

Learned counsel for the petitioner *inter alia* contends that version, as alleged in the FIR, is totally concocted one and there is no iota of truth therein. He further submits that allegedly petitioner along with co-accused in furtherance of their common intention committed house trespass and inflicted simple as well as grievous injuries on the person of complainant-Pawan and took away a sum of Rs.6.73 lakhs kept in the *Almirah* and further uttered castiest remarks to above said Pawan. He further submits that petitioner is languishing in custody since 22.12.2020 and he is no more required by the Police for any investigation purpose as after completion of investigation, final report under Section 173 Cr.P.C. (*Challan*) has already been presented in Court for commission of offence punishable under Sections 323, 325, 458, 459 and 506 read with Section 34 IPC and Section 3 (2) (va) of The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. He further urges 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 have carefully gone through the contents of petition.

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 22.12.2020; that petitioner is no more required by the Investigating Agency for investigation purpose; that *Challan* has already been presented in Court 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-**Sunil @ Kala** 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, Kaithal, as the case may be.

(LALIT BATRA)
JUDGE

25.10.2021

Varinder Prashad

Whether speaking/ reasoned : Yes/ No
Whether Reportable : Yes/ No