

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(212)

CRM No. M-28793-2021

Date of Decision : 09.11.2021

Kuldip Singh @ Radhe

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Ms. Nishu Rana, Advocate for the petitioner.

Mr. Karan Garg, Assistant Advocate General, Haryana.

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in FIR No. 34 dated 27.01.2021, registered under Sections 395, 397 IPC at Police Station Chandimandir, District Panchkula.

Learned counsel for the petitioner argues that in the present case, the petitioner has been falsely implicated even though the petitioner was neither arrested from the spot nor was named in the FIR. Learned counsel for the petitioner submits that petitioner was arrested in another case being FIR No. 17 dated 22.03.2021 and thereafter, was implicated in the present case as well as in two other cases of the similar nature. Learned counsel further submits that the petitioner has already been granted bail in all other cases except the present one and as the investigation is already over and the challan has been presented and the trial is likely to take some time before it concludes, the petitioner may kindly be extended the benefit of regular bail.

Notice of motion.

Mr. Karan Garg, learned Assistant Advocate General, Haryana, who is present in Court, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned State counsel concedes that the petitioner has been involved in the present case on the basis of disclosure statement of a co-accused and a sword has been recovered at the instance of the petitioner and, therefore, the prayer of the petitioner for the grant of regular bail may kindly be declined.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Once, the investigation is already over and the allegations alleged against the petitioner are yet to be proved during the trial, which is likely to take some time before the same concludes, no useful purpose will be served keeping the petitioner behind the bars, especially, when learned counsel for the petitioner has undertaken before this Court that the petitioner will not influence the trial in any manner and will maintain good conduct, if he is granted bail. In case of default of the undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

The petitioner is directed to be released on regular bail in this case subject to the satisfaction of the trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

November 09, 2021

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(HARSIMRAN SINGH SETHI)

JUDGE

Whether reasoned/speaking? Yes/No

Whether reportable? Yes/No