

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

**CRM-M-33117-2021
Date of decision :19.08.2021**

Govind

... Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. G.S. Sandhu, Advocate for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

This is the first petition filed by the petitioner under Section 439 Cr.P.C. for grant of regular bail in FIR No.217 dated 22.04.2019 under Sections 420, 467, 468 and 471 IPC registered at Police Station City Jind, District Jind.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 08.08.2019 i.e. more than 02 years, and the challan has already been presented on 02.11.2019 and there are as many as 15 witnesses and none of them have been examined. It has further been submitted that the petitioner was not named in the FIR and even the alleged amount of Rs.50,000/-, which was paid by the complainant was in the account of one Vivek Tomar S/o Subhash Tomar and not in the account of the petitioner. It has further been submitted that the present case is triable by Judicial Magistrate 1st Class, Jind.

Learned State counsel has submitted that the petitioner is involved in several other cases but however, it has not been disputed that the

petitioner has been in custody since 08.08.2019 and none of the 15 witnesses have been examined.

Learned counsel for the petitioner has relied upon judgment of the Hon'ble Supreme Court reported as 2012(1) SCC (Criminal) 681 titled ***“Maulana Mohd. Amir Rashadi Versus State of U.P. and another”*** as well as Rajasthan High Court reported as 2017(3) RLW 2577 titled as ***“Khartharam Versus State of Rajasthan”*** to contend that mere involvement in other cases cannot be the basis to deny bail when in the case in question, the Court considers that the accused is entitled to bail.

Keeping in view, the above said facts and circumstances, moreso, the fact that the petitioner has been in custody since 08.08.2019 i.e. more than 02 years and none of the 15 witnesses have been examined and thus, the trial is not likely to be concluded in the near future, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned Illaqa Magistrate/Duty Magistrate/CJM concerned.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case.

(VIKAS BAHL)
JUDGE

19.08.2021
JITESH (JTS)

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No