

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-44769-2021
Date of Decision: 01.11.2021

Harveer @ Kuka

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Abhilaksh Grover, 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.128 dated 23.05.2021, under Sections 328/379/34 of IPC, registered at Police Station Sadar Palwal, District Palwal.

The learned counsel for the petitioner has submitted that in the present case the petitioner has been falsely implicated only on the basis of some suspicion. He submitted that even otherwise also the alleged recovery of Rs. 5,000/- and one motor was made from the other co-accused and the petitioner was nowhere in picture and still he has been arrested. He submitted that the petitioner has clean antecedents and there is no other case against the petitioner and he is in custody from 22.06.2021. He further

submitted that the investigation of the case has already been completed and challan stand presented and nothing is to be recovered from the petitioner and the trial of the case would take long time. He has therefore submitted that the petitioner may be considered for the grant of regular bail.

On the other hand, Mr. Naveen Singh Panwar, learned Deputy Advocate General, Haryana has stated that it is correct that the petitioner is in custody from 22.06.2021 and there is no other case against the petitioner and the investigation of the case has already been completed and nothing is to be recovered from the petitioner. He further submitted that so far as the allegation pertaining to giving of [poisonous substance](#) to the complainant is concerned, the FSL report has not been received as yet.

I have heard the learned counsel for the parties.

The custody of the petitioner is from 22.06.2021 is not in dispute. It is also not disputed that the investigation of the case is already complete and the challan stands presented. It is also not in dispute that the petitioner is not involved in any other case. The FSL report has also not been received. Furthermore it is not the case of the State that in case the petitioner is released on bail then he may influence any witness or may tamper with evidence or may flee from justice.

Therefore, without commenting on the merit of the case and considering the totality of circumstances, 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.

01.11.2021

rakesh

(JASGURPREET SINGH PURI)
JUDGE

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