

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

212

**CRM-M-45075 of 2021
Date of Decision : 02.11.2021**

Akshay

...Petitioner

Versus

State of Haryana

...Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Rohit Mittal, Advocate for the petitioner.

Mr. Gaurav Bansal, AAG, 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 respect of FIR No.10 dated 11.01.2021 registered under Sections 399, 402 and 420 of the IPC at Police Station Sadar Mahendergarh, District Mahendargarh.

Learned counsel for the petitioner argues that even as per the allegations alleged in the FIR, no crime has been committed by the petitioner and the only allegation alleged against him is that he intended to commit the crime. Learned counsel for the petitioner submits that mere allegation that the petitioner was travelling in a vehicle with fake registration plate at the time when caught, cannot be a ground to even infer

that said vehicle was to be used for committing the crime which allegations are yet to be proved during the course of trial. Learned counsel for the petitioner further submits that as the investigation is already over and challan has also been submitted and trial is likely to take some time before it concludes, the petitioner be extended the benefit of regular bail.

Learned State counsel submits that as the vehicle being used by the petitioner alongwith the other co-accused was with a fake number plate and there were lathees and dandas in the said vehicle, there was a clear intention of the petitioner to commit crime.

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

Once, the only allegation against the petitioner is that he was intending to commit the crime and which allegation also is yet to be proved during trial and investigation is already over and challan has also been presented, no useful purpose will be served by keeping the petitioner behind the bars as trial is likely to take some time before it concludes, especially, when learned counsel for the petitioner undertakes that the petitioner will not obstruct the trial or influence the witnesses, whose statements are yet to be recorded, in any manner, the petitioner has made out a case for the grant of regular bail.

In case of default of the above undertaking given by the learned counsel for the petitioner, the State will be at liberty to approach this Court for passing appropriate orders.

Without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of 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 02, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

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