

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

211

CRM-M-45561 of 2021
Date of Decision : 15.11.2021

Krishan Kumar

...Petitioner

Versus

State of Haryana

...Respondents

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sahil Goel, Advocate for the petitioner.

Mr. Karan Garg, 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.0311 dated 24.12.2020 registered under Sections 392, 397 and 34 of the IPC at Police Station Manesar, District Gurugram.

Learned counsel for the petitioner argues that the petitioner was not identified by the complainant in his test identification parade and he has only been roped in the present FIR on the basis of the disclosure statement of the co-accused. Learned counsel for the petitioner further argues that as the investigation is already over and the challan has already been presented, the petitioner may kindly be granted the benefit of regular bail

Learned State counsel submits that the allegations alleged against the petitioner are serious in nature as the petitioner in his custodial statement accepted the factum of his participation in the present case after

he was arrested in another case by the Rajasthan Police.

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 challan has already been presented and the allegations alleged against the petitioner are yet to be proved during the course of trial and in view of the fact that the petitioner has only been roped in the present FIR on the basis of the disclosure statement of the co-accused and the trial is likely to take some time before it concludes, no useful purpose will be served by keeping the petitioner behind the bars. Hence, petitioner has made out a case for the grant of regular bail 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 and in case of default of the above undertaking, 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 15, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

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