

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

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**CRM-40771-2021 in
CRM-M-45309-2021.
Date of Decision: 15.12.2021.**

Neeraj

....Applicant/Petitioner.

Versus

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Baljeet Beniwal, Advocate for applicant/petitioner.

Mr. Amit Aggarwal, Deputy Advocate General, Haryana.

Lalit Batra, J.(Oral)

Case has been taken up for hearing through Video Conferencing.

This application under Section 482 Cr.P.C. is for preponing the date of hearing of the main petition, which is already fixed for 28.01.2022.

Notice of application.

At the asking of Court, learned State counsel accepts notice of the application and stated that he has no objection if application is allowed.

In view of the grounds mentioned in the application and no objection by learned State counsel, hearing of the main petition is preponed and the main petition is taken on Board today itself.

CRM is allowed.

Main Case

This petition under Section 439 Cr.P.C for grant of regular bail has been moved by petitioner-**Neeraj** in case FIR No.364 dated 13.10.2015 under Sections 279 and 337 IPC (Section 338 IPC added lateron), registered at Police Station Faridabad Old, District Faridabad.

Learned counsel for the petitioner *inter alia* contends that petitioner was released on bail, vide order dated 13.10.2015. He further submits that petitioner used to attend hearings in the Court, but lateron he could not appear in Court and thereafter he surrendered in the Court on 22.09.2021. He further submits that petitioner is no longer required by the police for any investigation purpose as after completion of investigation, final report as envisaged under Section 173 Cr.P.C. (*Challan*) has already been presented in Court and trial has commenced. He further urges that since trial of the case would take sufficient time to conclude, no useful purpose would be served by keeping the petitioner in custody further and he may be released on bail.

On the other hand, learned State counsel while opposing instant petition has vehemently argued that keeping in view delaying tactics of petitioner, he does not deserve the concession of bail.

I have heard learned counsel for the parties and have carefully gone through the record of the case.

At this stage, without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into consideration the fact that petitioner is languishing in custody since 22.09.2021; that petitioner is no more required by the police for investigation purpose; that final report as envisaged under Section 173

Cr.P.C. (Challan) has already been presented in Court and since trial of the case would take sufficient time to conclude, no useful purpose would be served by detaining the petitioner in custody further, thus, he deserves the concession of bail.

In view of above, instant petition for grant of regular bail moved by petitioner-**Neeraj** is allowed and he is ordered to be released on bail on his furnishing personal bond and surety bond to the satisfaction of Trial Court/Chief Judicial Magistrate/Duty Magistrate, Faridabad, as the case may be.

(LALIT BATRA)
JUDGE

15.12.2021
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Whether speaking/ reasoned : Yes/ No
Whether Reportable : Yes/ No