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

**CRM-M-47371-2021
Date of Decision: 10.12.2021**

Bablu

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Sumit Sangwan, Advocate,
for the petitioner.

Mr. Kanwar Sanjeev Kumar Sharma, DAG, Haryana.

SUDIP AHLUWALIA J. (ORAL)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure seeking regular bail in case FIR No.0385, dated 17.10.2019, registered under Sections 147, 148, 149, 302, 342, 365 of the Indian Penal Code, 1860 (Sections 120-B and 452 of the Indian Penal Code added during investigation), at Police Station Dardi Sadar, District Charkhi Dadri.

2. By now the petitioner has remained in detention for almost 02 years since 27.12.2019. He was not named as a culprit in the original FIR. His complicity has transpired only from the disclosure statement of co-accused, Amarjeet.

3. No recovery of any incriminating material was effected from him.

4. Trial in the case has yet to start. Even the charges have not been

framed.

5. Submission of Ld. Counsel is that his client stand on identical footing with co-accused Anirudh @ Rinku who was granted regular bail in CRM-M-4797 of 2021 on 12.10.2021. The petitioner, therefore, approached the learned Court of Sessions for regular bail but his prayer was rejected by the learned Additional Judge, Charkhi Dadri in his impugned order dated 01.11.2021 by observing that the petitioner cannot claim parity with the co-accused Anirudh @ Rinku since he has also been involved in other two criminal cases being FIR No.81 dated 19.06.2016 under Section 61 of the Excise Act, Police Station Behal and FIR No.167 dated 20.12.2016, under Sections 323, 506, 34 IPC, Police Station Behal.

6. Learned counsel for the petitioner submits that the petitioner has since been acquitted in both the aforesaid cases and also tenders a copy of the detailed judgment passed by the learned SDJM, Mohali vide which he was acquitted in the subsequent FIR NO.167 dated 20.12.2016.

7. In such circumstances, further detention of the Petitioner for an indefinite period, after he has already remained incarcerated for almost 02 years, at this stage, is certainly not called for. He is therefore permitted to be now released on bail subject to appropriate terms and conditions to the satisfaction of the Ld. Trial Court/ Duty Magistrate concerned.

8. Disposed off.

10.12.2021
manju

(SUDIP AHLUWALIA)
JUDGE

1. Whether speaking/reasoned: Yes/No

2. Whether reportable: Yes/No