

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

227

CRM-M-47688-2021(O&M)

Date of Decision : November 29, 2021

BHAGAT SINGH ALIAS BHAGTI

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Abhilaksh Grover, Advocate
for the petitioner.

Ms. Ambika Sood, 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 grant of regular bail to the petitioner in case FIR No.128 dated 23.5.2021 under Sections 328, 379, 34 IPC, Police Station Sadar Palwal, District Palwal.

The learned counsel for the petitioner has submitted that in the present case as per the allegations the petitioner alongwith some other persons had gone to the shop of the brother of the complainant who runs a tyre puncture shop in front of the Government Hospital and after giving him some poisonous substance and making him unconscious had taken away one motor and fan from the shop as well as Rs.5,000/- in cash from his pocket. Learned counsel submitted that the petitioner has been falsely implicated in the present case only on the ground that he was earlier involved in seven other cases out of which three pertain to the same

Police Station in which the present FIR is lodged. He further submitted that the FSL report yet has not received from the Forensic Science Laboratory despite the fact that six months have elapsed and there is no explanation coming forward as to why the FSL report has not been received till date. He submitted that the implication of the petitioner in the present case is false due to his earlier implication in other cases. He further submitted that in all the seven other cases, he is already on bail. He submitted that the other co-accused who have been mentioned in the FIR, namely, Harbir and Monu have already been extended the benefit of bail. He has further submitted that the petitioner is in custody since 17.6.2021 and challan has already been presented before the competent Court on 6.9.2021 but no PW has been examined. He has, therefore, prayed for the grant of regular bail to the petitioner.

On the other hand, the learned State counsel has submitted that it is correct that the petitioner is in custody from 17.6.2021 and challan has already been presented on 6.9.2021 but no PW has been examined. She has opposed the grant of bail on the ground that the petitioner is not at parity with the other two co-accused who have been granted bail. She submitted that the petitioner is involved in seven other cases although he was granted bail but the offence was that of theft.

I have heard the learned counsels for the parties.

The custody period of the petitioner is not in dispute. It is also not in dispute that the investigation of the case is already complete and the challan has been presented before the competent Court although no prosecution witness has been examined till date. The other two co-

accused who have been mentioned in the FIR have also been enlarged on bail. So far as the non-receipt of the FSL report is concerned, no justifiable reason has come on record or on the argument raised by the learned State counsel that why there was a delay of about six months in receiving the FSL report. The pendency of other seven cases against the petitioner in which he is on bail would not deprive him for the grant of regular bail. The trial of the case would take long time and, therefore, it will be in the interest of justice to grant bail to the petitioner.

Therefore, considering the facts and circumstances of the present case, the present petition is allowed. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

(JASGURPREET SINGH PURI)
JUDGE

November 29, 2021

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