

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

Sr. No.213

CRM-M-49704-2021

Date of Decision: 02.12.2021

NEERAJ

... Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ankit Chahal, Advocate,
for the petitioner.

Mr. Karan Garg, AAG, Haryana.

Harsimran Singh Sethi, J.(Oral)

This is the second petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.92 dated 05.03.2021 under Sections 34 and 379-B of IPC (charges framed under Sections 392 and 397), registered at Police Station Sonipat Sadar, District Sonipat, Haryana.

Learned counsel for the petitioner argues that the allegations alleged in the present petition are false and the petitioner was not named in the FIR and the recovery of mobile phone and a 'danda', has been planted upon the petitioner which fact is clear from the recovery memo. Learned counsel further submits that the charges have already been framed and one prosecution witness has also been examined, hence petitioner may kindly be extended the concession of regular bail.

Learned State counsel submits that as a mobile phone and a 'danda' has been recovered from the petitioner, which are the part of disclosure

statement, it cannot be said that the allegations alleged against the petitioner are false, though, learned State counsel concedes that the charges have already been framed and one prosecution witness has already been examined during the trial.

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

The allegations, which have been alleged against the petitioner are yet to be proved during the trial. Also as, only one witness has been examined as yet, thus it can be very well said that the trial is likely to take some time before it concludes.

No justifiable purpose will be achieved in keeping the petitioner behind the bars during the period of the trial especially when the learned counsel appearing on behalf of petitioner has assured this Court that in case, the petitioner is granted the benefit of regular bail, he will not influence the trial or the witnesses in any manner. In case of the default of the above undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

In view of the above and without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of the 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.

(HARSIMRAN SINGH SETHI)
JUDGE

02.12.2021
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Whether speaking/reasoned : Yes
Whether reportable : No