

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(217)

CRM No. M-53074-2021

Date of Decision : 23.12.2021

Sarik

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Vikas Gulia, Advocate for the petitioner.

Mr. Karan Garg, Assistant Advocate General, Haryana.
(keeping in view advance copy given)

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 FIR No. 546, dated 25.07.2021, registered under Sections 379-A, 392, 34 IPC (Section 201 IPC added later on) at Police Station Kharkhoda, District Sonapat.

Learned counsel for the petitioner submits that in the present FIR, there are three accused, namely, Sarik (petitioner herein), Talib, who was juvenile and one Suveb. Learned counsel for the petitioner submits that as co-accused Talib was juvenile, proceedings against him were being conducted before the Juvenile Justice Board, wherein, the complainant failed to identify all the three accused persons, on the basis of which, juvenile Talib has already been extended the benefit of regular bail. Learned counsel for the petitioner argues that as the petitioner and other co-accused have not been identified by the complainant, the benefit which has

already been extended to the co-accused Talib, may also be extended to the petitioner.

Notice of motion.

Mr. Karan Garg, learned Assistant Advocate General, Haryana, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned State counsel on instructions from ASI Sabak concedes the factum that co-accused Talib has already been extended the benefit of regular bail by the Competent Court of Law, wherein, the complainant failed to identify the said co-accused.

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

Once, the co-accused has not been identified by the complainant and he has already been extended the benefit of regular bail and in the present case, the investigation is already over and the challan has already been presented and the trial is likely to take some time before it concludes, no useful purpose will be achieved in keeping the petitioner behind the bars during the entire period of trial, especially, when learned counsel for the petitioner has undertaken before this Court that the petitioner will not influence the trial in any manner and will maintain good conduct, if he is granted bail. In case of default of the undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

The petitioner is directed to be released on regular bail in this case 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.

December 23, 2021
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes
Whether reportable? Yes