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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-2031-2022
Date of Decision: 01.12.2022

Aman

.....Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. R.K.Girdhwal, Advocate
for the petitioner in.

Mr. Surinder Kumar Dagar, DAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition is filed under Section 439 of Code of Criminal Procedure for seeking grant of regular bail in case FIR No.19 dated 09.01.2019 under Sections 379B, 395, 457 IPC & 25-54-59 of Arms Act registered at Police Station Tosham, District Bhiwani.

Learned counsel for the petitioner submitted that the petitioner is in custody from 1st April 2019 which is more than 3 years and 5 months. He has submitted that the investigation of the case was completed way back and the charge had been framed on 10th August 2019 but till date only two witnesses including material witness i.e. the complainant have been examined. It is submitted that the allegations against the petitioner were that he along with co-accused had committed a robbery in the petrol pump in the night time and had looted an amount of Rs. 4000/-. Learned counsel for the petitioner submitted that the petitioner has been falsely implicated in this case since he was arrested in some other case and on the basis of his disclosure statement the

present FIR was lodged against him and furthermore on his disclose statement the other co-accused were nominated. He submitted that the entire case has been planted upon the petitioner because he was already in custody in some other case. He has further submitted that the other co-accused namely Ravi and Yudhvir have already been granted bail by co-ordinate Bench of this Court vide Annexures P-3 and P-4.

Learned counsel submitted that although the petitioner is involved in other cases but considering the long custody of the petitioner which is more than 3 years and 6 months and for about 3 years after the framing of charges only two witnesses have been examined, the trial of the case may take more time and therefore, the petitioner may be considered for grant of bail.

On the other hand, Mr. Surinder Kumar Dagar, DAG, Haryana has submitted that so far as the custody period of the petitioner is concerned the same is correct and it is more than 3 years and 6 months. He has however, opposed the bail on the ground that the petitioner is also involved in 8 other cases and it is also correct that the petitioner was arrested in some other case and in that case he had made a disclosure statement whereby the present FIR was lodged.

I have heard learned counsel for the parties.

The petitioner has faced incarceration for more than 3 years and 6 months. The charges were framed on 10th August 2019 and till date only two witnesses have been examined. The material witness i.e. the complainant has already been examined. Co-accused Ravi and Yudhvir have already been extended the benefit of bail by this Court vide Annexures P-3 and P-4. The mere fact that the petitioner is involved in 8 more cases cannot become a

ground for denial of bail to the petitioner in the light of long custody which is more than 3 years and 6 months. Therefore, considering from the angle of the long custody of the petitioner and the status of the trial, this Court deems it fit and proper to grant bail to the petitioner.

Consequently, the present petition is allowed. The petitioner shall be released on regular bail, subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed herein above shall not be treated as an expression of opinion on merits of the case & is only meant for the purpose of decision of present petition.

01.12.2022
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(JASGURPREET SINGH PURI)
JUDGE

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No