

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

251

CRM-M-3950-2021
Date of decision: 09.03.2022

ROHIT @ MANNU

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Mr. Bhisham Kumar Majoka, Advocate
for the petitioner.

Mr. Kanwar Sanjiv Kumar, Asstt. A.G. Haryana.

VINOD S. BHARDWAJ. J. (ORAL)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

1. The instant petition is for seeking concession of regular bail in case FIR No. 185 dated 30.05.2020 under Sections 323, 506 IPC (Section 307, 324, 34 IPC was added later on) registered at Police Station S.G.M. Nagar, Faridabad.

2. Learned counsel for the petitioner contends that the petitioner is in custody since 31.08.2020 and that he has already undergone more than one and half years of actual custody. It is also pointed out that the matter has been adjourned successively on four different occasions to enable the State to examine the complainant, however, for oblivious reasons and to delay the proceedings, the complainant has chosen not to step into the witness box and/or alternatively has not been examined by the prosecution. The same is only a manner of prolonging the custody of the petitioner without progressing with the case.

3. Learned State counsel apprises that the case is fixed for 28.03.2022 for examination of the witnesses, however, he could not offer any explanation as to why the said witness have been examined so far considering especially the fact that as per the order dated 24.03.2021, the case was fixed for 05.04.2021 for examination of witnesses including that of the complainant. The same status was again reported by the respondent-State as per the order dated 28.05.2021. On the adjourned date it was apprised by the State counsel that the complainant has already been bound down for 21.09.2021. However, even on the adjourned date it was pointed out that the complainant has not been examined. The matter was thereafter adjourned to 20.01.2022 and thereafter for today. There seems to be no valid justification for delay in examination of the complainant except than to prolong the custodial detention of the petitioner. Such conduct of the prosecution can not be capitalized by giving premium to them and extending the continued detention of an accused for an indefinite period.

4. Consequently, taking into account, the period of custody already undergone by the petitioner, I deem it appropriate to enlarge the petitioner on bail to the satisfaction of the trial Court.

5. The instant petition is allowed and the petitioner is ordered to be released on bail on his furnishing requisite bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate, concerned.

Disposed of accordingly.

(VINOD S. BHARDWAJ)
JUDGE

MARCH 09, 2022
vishal sharma

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No