

211 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-8542-2022 (O&M)

Date of decision: 04.03.2022

RAKESH ALIAS KALIA AND ANR.

...Petitioners

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present:- Mr. B. S. Mamli, Advocate
 for the petitioners.

Mr. Amreek Singh Narwal, DAG, Haryana.

SANT PARKASH, J. (ORAL)

Through this petition, petitioners seek regular bail under Section 439 Cr. P. C. in case FIR No. 826 dated 16.09.2021, registered under Sections 147, 149, 323, 452, 427, 506, 379-B, 294 IPC and Section 25 of Arms Act at Police Station Sadar Hisar, District Hisar.

Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present FIR as the same was got registered after a delay of 24 hours and they were indicted on the basis of disclosure statement and there is no specific injury has been attributed to the petitioner. It is submitted that co-accused namely Sumit and others have already been granted concession of regular bail by the this Court vide order dated 28.01.2022. It is further submitted that the matter has been investigated, challan stands presented and trial is likely to take some time to conclude, therefore, custody of the petitioner would no longer be required.

Learned counsel for the respondent-State would oppose grant of bail to the petitioners by contending that the allegations levelled against the petitioners are serious in nature but is not in a position to dispute the fact that the investigation stands completed and challan has been presented.

I have heard counsel for the parties and have also perused case file.

Keeping in view the fact that the matter has been investigated, co-accused have already been granted concession of regular bail by this Court and there is no specific injury has been attributed to the present petitioner. The trial is likely to take time to conclude and the petitioners are in custody from 21.09.2021 and there is no other case pending against them, no useful purpose would be served in keeping the petitioners behind bars any longer.

Taking into consideration the totality of the circumstances and without commenting on the merits of the case, it is considered as appropriate to release the petitioners on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of the concerned trial court/Duty Magistrate/Chief Judicial Magistrate.

The petition is allowed.

04.03.2022

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(SANT PARKASH)

JUDGE

Whether reasoned/speaking? Yes/No

Whether reportable? Yes/No