

214-A

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

CRM-M-14657-2022

Date of Decision: 21.09.2022

Badsha

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Vikas Kumar Dhariwal, Advocate,
for the petitioner.

Mr. Naveen S. Panwar, DAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.489 dated 30.08.2016, under Sections 148, 149, 307, 302, 379-B, 332, 353 & 120-B of the IPC and Section 25 of the Arms Act, registered at Police Station Meham, District Rohtak.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 04.07.2017, which is more than 5 years and 4 out of 48 cited witnesses have been examined till date. He further submitted that the petitioner was nominated in the present case on the basis of disclosure statement made by the co-accused, namely, Anil, who was a juvenile and who has been granted regular bail by this Court vide an order of even date. He also submitted that the reason for implication of the

petitioner was that he was earlier involved in six more cases, although he has been acquitted in two cases and in remaining cases, he is already on bail. He further submitted that the allegations against the petitioner were that he had fired on the spot. He also submitted that however a perusal of the FIR would show that detailed allegations have been made against the other co-accused whereby the roles have also been segregated at the time of lodging of the FIR but now in order to implicate the petitioner, the allegations have been made that he was there on the spot. He further submitted that be that as it may, the petitioner has already faced incarceration for more than five years and there has been an inordinate delay in the trial of the case, since only 4 out of 48 cited witnesses have been examined till date, therefore, the petitioner may be considered for the grant of regular bail.

On the other hand, Mr. Naveen S. Panwar, DAG, Haryana has stated that it is correct that the petitioner is in custody since 04.07.2017, which is more than 5 years and only 4 out of 48 cited witnesses have been examined till date. He has however stated that although the petitioner was nominated on the basis of the disclosure statement of the co-accused, namely, Anil, who has been granted regular bail by this Court vide an order of even date but the petitioner was earlier involved in 6 more cases although he has been acquitted in two cases out of the aforesaid cases.

I have heard the learned counsel for the parties.

The petitioner has faced incarceration for more than five years and only 4 out of 48 cited witnesses have been examined till date and it appears that the trial of the case is going at very slow pace. The name of the

petitioner was nominated on the basis of the disclosure statement of the co-accused, namely, Anil, who has been granted regular bail by this Court vide an order of even date. Learned counsel for the petitioner during the course of arguments has submitted that the petitioner was earlier involved in 6 more case and that was the reason as to why his name was falsely implicated in the present case and he also submitted that in two cases, he has already been acquitted and in remaining cases, he is already on bail.

In view of the aforesaid facts and circumstance of the case and also considering the long custody of the petitioner, he deserves the concession of bail. Consequently, the present petition is allowed and the petitioner is ordered to be released on bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

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

21.09.2022*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

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