

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

CRM-M-26747-2021 (O&M)

Date of decision: 22.07.2022

Suraj

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Sarfaraj Hussain, Advocate for the petitioner.

Mr. Ashok Singh Chaudhary, Addl. AG Haryana

HARNARESH SINGH GILL, J. (ORAL)

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 183 dated 29.05.2019, registered under Sections 302, 397 IPC, Section 25 of the Arms Act, and later on added Section 120-B IPC, at Police Station City Gurugram, District Gurugram.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that the petitioner has no role to play in the present case; that the only allegation against the petitioner is of recce; that the petitioner was not present at the spot at the time of alleged occurrence; that even as per the affidavit dated 20.11.2021 filed by the Assistant Commissioner of Police, City Gurugram, in the CCTV footage and photographs only co-accused Ajay Kumar and Suraj Kataria were seen at the place of alleged occurrence; that the petitioner has been in custody since 15.06.2019 and the prosecution witnesses are yet to be examined and that there is no other case against the petitioner.

Learned State counsel, while vehemently opposing the prayer for bail, submits that the petitioner has actively participated in the crime and recovery of looted amount of Rs. 10,000/- has been effected from him. However, he does not dispute the custody period of the petitioner and the fact that there is no other case against the petitioner. He submits that the prosecution witnesses are yet to be examined.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 15.06.2019. The petitioner was not present at the spot at the time of alleged occurrence and as per the affidavit dated 20.11.2021, only co-accused Ajay Kumar and Suraj Kataria were seen at the place of alleged occurrence. There is no other case against the petitioner. The prosecution witnesses are yet to be examined. Therefore, the conclusion of the trial would take time. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

22.07.2022

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No