

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

CRM-M-31637 of 2021(O&M)

Date of Decision: 27.07.2022

Raghubir @ Kala

...Petitioner

Versus

State of Haryana

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. B.S. Rana, Sr. Advocate with
Mr. Nayandeep Rana, Advocate
For the petitioner.**

Mr. Naveen Sheoran, DAG Haryana.

**Mr. Arjun Dhingra, Advocate
for the complainant.**

KARAMJIT SINGH, J.

The present petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in FIR No. 102 dated 24.01.2019, registered under Sections 406, 420 IPC read with Section 120-B IPC at Police Station Sadar Karnal, District Karnal.

The counsel for the petitioner submits that the petitioner has been falsely implicated in this case and is in custody since 22.02.2021 and during investigation nothing was recovered from him and now the police has presented the challan on completion of investigation and that all the offences are triable by the Court of Judicial Magistrate Ist Class. The counsel for the petitioner further submits that the complainant has already entered into compromise with co-accused Sonu Dhanda and Naresh Dhanda.

On the other hand State counsel submits that trial is yet to commence and that the petitioner is also involved in one another criminal case of the same nature. However, the State counsel on instructions from ASI Sanjay Kumar has not disputed that the petitioner was arrested on 22.02.2021 and that no recovery was effected from him and that the police has already filed challan against the petitioner and other accused in the Court.

I have considered the rival submissions made by counsel for the parties.

Undoubtedly, all the offences in the present case are triable by the Court of JMIC. The petitioner is in custody since 22.02.2021 and no incriminating article was recovered from the petitioner during the investigation of the case and on completion of investigation challan has been presented but trial is yet to begin. The counsel for the complainant has not disputed the fact regarding compromise which has been effected between the complainant and co-accused Sonu Dhanda and Naresh Dhanda.

In the given circumstances the further detention of the petitioner will not serve any useful purpose as conclusion of trial is likely to take some time.

In view of the above, without commenting on the merits of the case, instant petition is allowed. The petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate concerned.

27.07.2022
Jiten

(KARAMJIT SINGH)
JUDGE