

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-30608-2022

Date of Decision: 24.8.2022

Satish @ Sara

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Mazlish Khan, Advocate
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

KARAMJIT SINGH, J.

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.305 dated 12.4.2022 registered for the offences punishable under Sections 148, 149, 323, 427, 452, 506, 120-B IPC at Police Station Chandani Bagh, Panipat, District Panipat.

Counsel for the petitioner submits that the petitioner was not named in the FIR and has been arrested and is now in custody for the last more than 2 months and 16 days and all the offences are triable by the Court of Magistrate and that after completion of investigation, the police has presented the challan and as such, no purpose is going to be served by keeping the petitioner in custody for any longer period. He further submits that co-accused Parveen, Rahul, Rinku and Pushpender are already granted benefit of bail by the Court of Additional Sessions Judge, Panipat. He further submits that in all the other criminal cases registered against him, the

petitioner is on bail.

Present petition is contested by the State counsel who submits that there are allegations against the petitioner that he along with his companions tried to take possession of the godown belonging to complainant Naresh Kumar on 12.4.2022 and at that time, all the accused persons including the petitioner also caused damage to the property of the complainant.

State counsel on instructions from ASI Vinod has not refuted the fact that the petitioner is in custody for the last more than 2 months and 16 days and that the police has presented the challan in the Court concerned against the accused persons including the petitioner.

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

Admittedly, all the offences are triable by the Court of Judicial Magistrate, 1st Class. During the investigation of the case, the petitioner was arrested and his custody period comes out to be more than 2 months and 16 days. Similarly situated co-accused namely Parveen, Rahul, Rinku and Pushpender have been given concession of bail by the Court of Additional Sessions Judge, Panipat. After completion of investigation, the police has presented the challan but charges are yet to be framed.

It will take time for conclusion of trial. Thus, no fruitful purpose is going to be served by keeping the petitioner in custody for any further period.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the

satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

August 24, 2022
Paritosh Kumar

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