

231
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-30878-2022
Date of Decision: 25.08.2022

Ajay Kumar @ Golu and another

....Petitioner(s)

Versus

State of Haryana and another

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Pankaj Bali, Advocate, for the petitioners.

Mr. Naveen Singh Panwar, DAG, Haryana

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioners in FIR No. 446 dated 27.07.2020, under Sections 148,149, 323, 324, 325, 307, 506, 201 IPC, registered at Police Station Assandh, Karnal.

It has been submitted by the learned counsel for the petitioners that petitioner No.1 is in custody from 03.04.2022 and petitioner No.2 is in custody from 23.04.2022 and they have been falsely implicated in the present case and in fact the main accused in the present case were Bittu and Azad who were earlier arrested but the petitioners were initially not arrested but thereafter they themselves surrendered before the police. He further submitted that investigation of the case has been completed and challan has already been presented even qua the petitioners. He further submitted that

the aforesaid two main accused namely, Bittu and Azad have already been granted regular bail by this Court vide Annexure P-2 in CRM-M-646-2021. He further submitted that the present petitioners are on better footing than the aforesaid two main accused namely, Bittu and Azad. He further submitted that both the petitioners are not involved in any other case and have got clean antecedents.

On the other hand, Mr. Naveen Singh Panwar, learned Deputy Advocate General, Haryana has submitted that it is correct that petitioner No.1 is in custody from 03.04.2022 and petitioner No.2 is in custody from 23.04.2022 and investigation qua the petitioners has been completed and challan has been presented. He has also not disputed that the other co-accused namely, Bittu and Azad have been granted bail by this Court vide Annexure P-2.

I have heard the learned counsel for the parties.

As per the learned counsel for the parties, the petitioner No.1 is in custody from 03.04.2022 and petitioner No.2 is in custody from 23.04.2022. The investigation of the case has already been completed and no recovery is to be effected from the petitioners as per the learned counsel for the parties. The other co-accused namely, Bittu and Azad have been granted bail by this Court vide Annexure P-2. Furthermore, it is not the case of the State that in case the petitioners are released on bail, then they may influence any witness or may tamper with evidence or may flee from justice.

Therefore, considering the aforesaid facts and circumstances, this Court is of the view that the petitioners are entitled for the grant of regular bail.

Consequently, the present petition is allowed. The petitioners shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

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

25.08.2022

rakesh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No