

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

225)

CRM-M-35534 of 2022

Date of Decision:08.09.2022

Bittu

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Amit Choudhary, Advocate
for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana

JASGURPREET SINGH PURI, J. (Oral)

The present is a second petition filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.127 dated 26.09.2021, under Sections 148, 149, 323, 325, 341, 506-B and 427 of the IPC, registered at Police Station Jakhal, District Fatehabad.

It has been submitted by the learned counsel for the petitioner that the petitioner is in custody from 07.10.2021 and in the present case the police has already completed the investigation and challan has been presented. He submitted that the other co-accused namely Vikas has been already granted bail by this Court vide Annexure P-3 and there is a delay of seven days in registration of the FIR. He further submitted that in fact the petitioner has been falsely implicated in the

present case because of the fact that he was earlier involved in one more case which was FIR No. 276 dated 17.08.2017 but in that FIR he has already been acquitted vide Annexure P-5. He further submitted that be that as it may he has already suffered incarceration for 11 months and now no recovery is to be effected from the petitioner and the trial of the case may take long time and therefore he may be considered for grant of regular bail.

On the other hand, learned State counsel has stated that it is correct that the petitioner is in custody for the last 11 months, i.e. on 07.10.2021 and the other co-accused namely Vikas has already been granted bail by this Court. He further submitted that it is also correct that no further recovery is to be effected from the petitioner. So far as the involvement of the petitioner in the other case is concerned, he submitted that he was involved in one other case in which he has been acquitted.

I have heard the learned counsel for the parties.

The petitioner is in custody from 07.10.2021. Investigation of the case has been completed and challan has been presented. As per the learned counsel for the parties, no recovery has been effected from the petitioner and the trial of the case may take long time. Furthermore, it is not the case of the State that in case the petitioner is released on bail, then he may abscond from justice or influence any witness or tamper with any evidence.

In view of the aforesaid facts and circumstances, this Court is of the view that the petitioner deserves the concession of regular bail. Consequently, the present petition is allowed. The petitioner 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
expresion of opinion on merits of the case and is only meant for the purpose of
decision of present petition.

(JASGURPREET SINGH PURI)
JUDGE

September 08, 2022
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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No