

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

CRM-M-43849-2021

Date of decision : 20.04.2022

Pardeep @ Khunda

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sumit Sangwan, Advocate for the petitioner.
Mr. Bhupender Singh, DAG, Haryana.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.234 dated 18.04.2018 under Section 379-A Indian Penal Code, 1860 registered at Police Station Sadar Dadri, District Charkhi Dadri, who is in custody since his arrest on 09.07.2021.

The allegations in the FIR as noticed by the learned Additional Sessions Judge, Charkhi Dadri, in the order dated 07.09.2021 are as under:-

“In brief, the case as set up by the prosecution is that on 18.04.2018, at around 02:45 P.M., in the night, a telephone was received from control room, Charkhi Dadri in police post, Adampur Dadhi that two motor-cyclists committed robbery of Rs.6,000/- and mobile phone from a driver of Truck Tralla bearing registration No.HR46C-6481 at Krishna Filling Station, Mandoli. Upon receiving of the aforesaid information, ASI Pawn Kumar reached the spot with the police party, where Krishan Kumar, driver of the truck met him and made a complaint, vide which, he reported to the police that he had reached at the filling station on that night at around

02:30 A.M. In the meantime, two motor-cyclists alongwith youngsters came there and committed robbery of Rs.6,000/- and mobile phone from the desk of the truck. He stated that he did not know any of them. Request was made for taking legal action.”

Learned counsel for the petitioner has argued that the petitioner was initially released on bail vide order dated 15.06.2018, but thereafter, he absented during trial proceedings and his bail was cancelled on 10.01.2019. Thereafter, he was arrested on 09.07.2021. It is pointed out that no prosecution witness has been examined so far after framing of charges on 28.11.2018. He prays for bail.

On the other hand, learned State counsel assisted by ASI Kuldeep while opposing the prayer has argued that after grant of bail in the present case, petitioner was involved in two more cases and has produced the custody certificate filed by way of affidavit of Amit, Deputy Superintendent, District Prison, Jhajjar, which indicates that petitioner is involved in case FIR No. 96 of 2021 registered under Sections 147, 148, 149, 447, 506, 307 IPC and Section 3 and 25 Arms Act and FIR No.104 of 2020 registered under Sections 147, 148, 149, 307, 452, 506, 120-B IPC and Section 25 Arms Act, however, it is not disputed that in those cases, he has already been released on bail and no prosecution witness has been examined in the present case.

Considering the above background and custody of the petitioner, this Court is of the opinion that the conclusion of trial is likely to consume considerable time, as the trial is yet to commence, therefore,

further detention of the petitioner may not serve any useful purpose, who is presently confined in judicial custody after his arrest on 09.07.2021.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

20.04.2022

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No