

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

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CRM-M-45923-2021 (O&M)

Date of Decision: 04.02.2022

SANJAY DAHIYA

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Tarachand Dhanwal, Advocate
for the petitioner.

Mr. Surender Singh, AAG Haryana.

HARNARESH SINGH GILL, J.(Oral)

Case is taken up for hearing through video conferencing.

Through this petition, the petitioner seeks regular bail in case bearing FIR No.269 dated 06.08.2021, registered under Sections 417, 420, 511 IPC, at Police Station Uklana, District Hisar, Haryana.

Learned counsel for the petitioner submits that the petitioner has intentionally been involved in the present case as he had filed a criminal complaint on 28.02.2019, which is still pending adjudication before the learned Judicial Magistrate, 1st Class, Hisar; that no role has been attributed to the petitioner and that as the similarly situated co-accused, namely, Amit Kumar Sodhi, Satnam @ Satu, have already been granted the concession of regular bail by this Court, vide order dated 25.10.2021, the petitioner may be granted such concession, on the ground of parity. He further submits that the petitioner has been in custody since 06.08.2021.

On the other hand, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that recovery of a mobile phone and Rs.10,000/- has been effected from the petitioner, which shows that the petitioner had actively participated in the occurrence. He further submits that statements of 04 persons, under Section 161 Cr.P.C., were recorded, who have specifically raised fingers against the petitioner. On these premises, learned State counsel prays for dismissal of the present petition. Still further it is submitted that post presentation of the challan, the prosecution evidence is yet to commence.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 06.08.2021. Similarly situated co-accused have already been enlarged on bail. Prosecution evidence is yet to commence. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

04.02.2022

Aman Jain

(HARNARESH SINGH GILL)

JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No