

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

CRM-M-43933-2022

Date of decision : 27.09.2022

Anil Kumar Gupta

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Ms. Gurmeet Kaur, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. Advocate General, Haryana
for the respondent-State.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.124 dated 9th of March, 2022 registered for the offences punishable under Sections 328, 365, 379-B r/w Section 34 of the Indian Penal Code, at Police Station City Panipat, District Panipat.

2. Custody Certificate *qua* the petitioner has been placed on record, which is taken on record. As per the same, the petitioner has undergone actual custody of 6 months and 8 days.

3. Ld. Counsel for the petitioner while referring to the contents of the FIR submits that offences punishable under Sections

365, 379-B IPC are not made out against the petitioner. She further submits that the petitioner has already undergone actual custody of more than six months and nothing is to be recovered from him. She relies upon order passed by this Court dated 7th of September, 2022 in CRM-M No.39657 of 2022 whereby co-accused namely Saroj has been extended the benefit of bail thus, she claims parity *qua* the petitioner. She further submits that the challan already stands presented and the investigation is complete thus, there can't be any apprehension w.r.t. tampering of the evidence.

4. Per contra, Ld. State Counsel submits that in view of the serious allegations levelled against the petitioner of having administered intoxicating material to the complainant, the petitioner does not deserve to be granted benefit of regular bail. However, he does not dispute the challan of having been presented and the fact that co-accused already stands admitted to regular bail being assertions based on record.

5. I have heard counsel for the parties and have gone through the records of the case.

6. Challan already stands presented. The petitioner has suffered long incarceration of more than six months. There is no other case against the petitioner. Thus, without commenting on the merits of

the case, the present petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate, concerned.

7. Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

September 27, 2022
Dpr

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No