

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-44223-2022

Date of Decision: 28.9.2022

Rohit Kumar

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Vikas Bishnoi Godara, Advocate
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

KARAMJIT SINGH, J.

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.322 dated 10.7.2022 registered for the offences punishable under Sections 398, 401 IPC at Police Station City Mandi Dabwali, District Sirsa.

Counsel for the petitioner submits that the petitioner has been falsely implicated in the present case by the police; that the story put forth by the prosecution is highly probable as per which, the petitioner was apprehended at the spot on the basis of the secret information and plastic torch was recovered from him. He further submits that alleged recovery has already been effected in this case and after completion of investigation, the police has presented the challan and the petitioner who is having no criminal history is languishing behind the bars for the last more than 2 months and 17 days. Prayer is made that the petitioner be released on regular bail.

Notice of motion.

Mr. Vishal Kashyap, DAG, Haryana accepts notice on behalf of the State and has opposed the present petition. He, however, on instructions from ASI Suresh Kumar has not refuted the fact that recoveries have already been effected in this case and after conclusion of investigation, challan has been presented and that the petitioner is having no criminal antecedents.

I have considered the submissions made by the counsel for the parties.

In view of above, as recoveries have already been effected in this case and the police has presented the challan and it will take time for conclusion of trial even after its commencement, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

Thus, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

September 28, 2022

Paritosh Kumar

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No