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

**CRM-M-47551-2022
Date of Decision: 08.12.2022**

Saddam

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Sahil Goel, Advocate,
for the petitioner.

Mr. Naveen S. Panwar, D.A.G., Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.109 dated 21.02.2022, under Sections 419, 420, 467, 468, 471, 120-B & 201 of the IPC, registered at Police Station Pundri, District Kaithal.

Learned counsel for the petitioner has submitted that the petitioner is in custody since 01.09.2022 and the investigation of the case has already been completed and thereafter, challan has also been presented before the competent Court. He further submitted that the other similarly situated co-accused, namely, Ashwani and Dharmender Nagar have been extended the benefit of regular bail by this Court and the name of the

petitioner was nominated on the basis of the aforesaid co-accused Dharmender Nagar. He also submitted that the present is a case which is triable by the Magistrate. He further submitted that the petitioner has got clean antecedents and is not involved in any other case and since the trial of the case may take long time, therefore, the petitioner may be considered for the grant of regular bail.

On the other hand, Mr. Naveen S. Panwar, learned Deputy Advocate General, Haryana, has submitted that it is correct that the petitioner is in custody since 01.09.2022 and the other co-accused, namely, Ashwani and Dharmender Nagar have been granted regular bail by this Court but the petitioner is not at parity with the co-accused because the role of the petitioner was different. He has however submitted that it is also correct that the petitioner is not involved in any other case and he is not a habitual offender.

I have heard the learned counsel for the parties.

The investigation of the case has already been completed and the present case is triable by the Magistrate. The petitioner is stated to be not a habitual offender and the other two co-accused even if they are not at parity with the present petitioner have been granted regular bail by this Court. Furthermore, it is not the case of the State nor it has been argued by the learned State counsel that in case the petitioner is released on bail then he may abscond or flee from justice or may influence the witness or may tamper with the evidence. Therefore, considering the aforesaid facts and circumstances of the case, this Court deems it fit and proper to grant bail to the petitioner.

Consequently, the present petition is allowed and the petitioner is ordered to be released on bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

08.12.2022*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

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| 1. Whether speaking/reasoned: | Yes |
| 2. Whether reportable: | Yes/No |