

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(215) CRM-M-1263 of 2023
DATE OF DECISION:-15.02.2023

Rajesh Kumar ...Petitioner

vs.

State of Haryana and another ...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Lupil Gupta, Advocate, for the petitioner.

Mr. Sumit Jain, Addl. A. G. Haryana.

HARKESH MANUJA, J.

By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, petitioner prays for grant of regular bail pending trial in case FIR No.53 dated 04.10.2022 under Sections 379-A IPC registered at Police Station GRP, Sirsa, District GRP Ambala Cantt. (Haryana).

Learned counsel for the petitioner submits that investigation in the present case already stands concluded with the filing of *challan* followed by framing of charges. Petitioner is behind the bars for a period more than 4 months now and the conclusion of trial is likely to take some time. Learned counsel also submits that petitioner is in fact first offender who is actually suffering from psychiatric disorder and getting regular treatment from the de-addiction centres as well, thus, the petitioner deserves concession of regular bail.

On the other hand, learned State counsel opposes the prayer made herein while submitting that trial is about to conclude as out of total 5 witnesses cited by the prosecution, 3 have already been examined and 2

have been bound down for today.

I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

Investigation in the present case already stands concluded with the filing of *challan* followed by framing of charges. As per information provided by the learned State counsel, there is no other case pending against the petitioner thus, he being the first offender having already suffered incarceration for a period of more than 4 months and in particular suffering from psychiatric disorder, cannot be extended further incarceration considering his health, thus, the petitioner deserves the concession of regular bail.

Without commenting anything on the merits, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

However, nothing expressed hereinabove shall be construed as an expression on the merits of the case.

15.02.2023
anil

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No