

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

CRM-M-2423-2023

Date of Decision: January 20, 2023

SUKHWINDER SINGH @ SUKHVINDER SINGH Petitioner

Versus

STATE OF HARYANA Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. S.S. Dinarpur, Advocate for the petitioner.

Mr. Sumit Jain, Addl. AG, Haryana.

HARKESH MANUJA, J. (ORAL)

By way of present petition filed under Section 439 of the Cr.P.C., prayer has been made for grant of regular bail pending trial in case FIR No. 415 dated 25.06.2022 (Annexure P-1) under Sections 379-A, 392, 427, 455, 506, 34, 120-B IPC and Section 25 of Arms Act, 1959, registered at Police station Thanesar, District Kurukshetra (Annexure P-1).

Learned counsel for the petitioner submits that petitioner is already behind the bars since 9th August 2022, whereas, investigation in the present case has already been concluded, challan stands presented and even charges have been framed. He further submits that complainant-Sandeep Kumar who appeared as PW-1 has not even identified the petitioner in Court and as such, at this stage his further incarceration would wholly be unjustified and thus, learned counsel for the petitioner prays for grant of regular bail.

On the other hand, learned State counsel opposes the prayer made in the application by submitting that petitioner has been found involved in incident wherein, investigation has been carried out by the investigating agency.

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.

I find that at this stage once the complainant who himself appeared as PW-1 has failed to identify the petitioner in Court and considering the fact that petitioner has been in custody for last almost 5 months & 7 days and investigation stands concluded, keeping the petitioner behind bars would multiply his suffering for no reasons as conclusion of the trial is likely to take long time. Even as per information provided by learned State counsel that no other case of similar nature is pending against the petitioner, he deserves for the concession of regular bail. Besides this, the petitioner has been acquitted in all the other cases.

In view of the above, without commenting anything on the merits, lest it may prejudice the case of either side, 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.

20.01.2023
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(**HARKESH MANUJA**)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>