

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

**CRM-M-1921-2023
Date of Decision: 08.02.2023**

Aakash

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Lekhraj Nandal, Advocate
for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

HARSH BUNGER J. (ORAL)

Present petition is filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No.882 dated 27.12.2019 under Sections 379-A and 34 of Indian Penal Code, 1860, registered at Police Station Rohtak City, District Rohtak.

Custody certificate dated 07.02.2023 of the petitioner filed by learned State counsel in Court today is taken on record, subject to all just exceptions.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the instant case, which was lodged on the complaint of complainant-Jaikaran. Learned counsel submits that the petitioner has been nominated in the present case falsely by the prosecution

at the behest of complainant with some ulterior motive. It is submitted that the fact of recovery of Rs.1000/- which have been shown to be recovered is also wrong. It is further submitted that co-accused have been granted bail. Learned counsel submits that investigation of the case is complete, challan has been presented and the charges have already been framed. It is further submitted that the petitioner is in custody since 27.12.2019 and his total custody is 3 years, 1 month and 10 days as on 07.02.2023. Learned counsel submits that the petitioner is not involved in any other case. Learned counsel further submits that the petitioner herein is ready to abide by all the conditions as may be imposed by this Court or by the trial Court, accordingly prayer for grant of regular bail is made.

Learned State counsel opposes the plea of petitioner for grant of regular bail on the ground of seriousness of the offence, however, learned State counsel does not dispute the fact that the investigation is complete and the charges have been framed. It is also not disputed by learned State counsel that the present petitioner has been in custody since 27.12.2019.

I have heard learned counsel for the parties and perused the paper book as well as the custody certificate of the petitioner handed over by learned State counsel, in Court today.

In this case, after completion of investigation, challan was filed against the petitioner on 17.02.2020 and charges have been framed against the petitioner for offence under Section 379-A and 34 of IPC. The petitioner has been in custody since 27.12.2019 and his total custody is 3 years, 1 month and 10 days (as on 07.02.2023) and the trial is likely to take long time and no useful purpose would be served by keeping the petitioner behind bars.

Keeping in view the aforementioned circumstances, the instant

petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate concerned. However, the concerned Station House Officer shall be informed about the release of petitioner and the petitioner shall inform the concerned Station House Officer about his address at which he intends to reside during the pendency of case and any change in the address shall also be communicated to the concerned Station House Officer, forthwith. The petitioner would also furnish his telephone number to the concerned Station House Officer. He would also furnish his undertaking to the effect that he will not indulge in any illegal activity. The petitioner shall also appear before the concerned Police Station/Station House Officer on first Monday of every month till the conclusion of trial.

Nothing expressed hereinabove shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for bail at this stage.

The petition is accordingly disposed of.

08.02.2023*Himani***(HARSH BUNGER)
JUDGE**

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