

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(207)

CRM-M-1752 of 2023
DATE OF DECISION:-13.02.2023

Sumit @ Kartik

...Petitioner

vs.

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Sandeep Yadav, Advocate, for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, 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 bail pending trial in case FIR No.350 dated 25.08.2021 under Sections 379-B, 120-B read with Section 34 IPC, registered at Police Station Urban Estate, Rohtak, Haryana (Annexure P-1).

Learned counsel for the petitioner submits that the investigation in the present case already stands concluded with the filing of *challan* way back on 28.02.2022, however, charges have not been framed so far even after the expiry of more than 11 months. Learned counsel further submits that on the last three dates, the petitioner has not even been produced in the Court by the Jail Authorities thereby, no valid reasons are there, for extending his incarceration, thus, the petitioner deserves concession of regular bail.

On the other hand, learned State counsel opposes the prayer made herein while submitting that there are 6 other cases of similar nature pending against the petitioner and thus, he being a habitual offender does

not deserve the concession of regular bail.

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.

In the present case, investigation already stands concluded with the filing of *challan* way back on 28.02.2022, however, even after the expiry of almost one year, charges have not been framed. I have perused the zimni orders dated 31.10.2022, 22.11.2022 and 06.01.2023. A perusal of the same shows that for the past more than 3 months, petitioner has not been produced before the concerned Court by the Jail Authority for one reasons or the other thereby, extending his incarceration for no valid reasons which is already more than one year by now. Mere fact that there are other cases pending against the petitioner cannot be a ground for declining the prayer made by him in the present case as for the purpose of adjudication of the present petition, the allegations levelled against the petitioner in the present FIR are to be primarily considered though, his antecedents being of some relevance. Even, otherwise, out of total 7 cases pending against the petitioner, he is already on bail in 4 of them and considering the fact that the conclusion of the trial in the present case is likely to take some time, petitioner deserves 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.

13.02.2023
anil

(HARKESH MANUJA)
JUDGE

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