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

CRM-M-2773-2022

Decided on:-18.01.2023

Rajiv @ Raju

....Petitioner..

vs.

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Amit Khari, Advocate for the petitioner.

Mr. Sumit Jain, Additional Advocate General, Haryana,
for the respondent-State.

HARKESH MANUJA J. (Oral)

By way of present petition under Section 439 Cr.P.C., the petitioner prays for grant of regular bail pending trial in case FIR No.574 dated 06.09.2021, under Sections 285, 386, 427, 506 IPC and Section 25 of the Arms Act, registered at Police Station Samalkha, District Panipat.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. In fact, the present FIR is an offshoot of exchange of money between the parties, which has been given a colour of criminal complaint, resulting into registration of the same. He further submits that investigation already stands concluded, challan filed and charges have been framed. He further submits that the petitioner is behind the bars since 10.09.2021 and so far, only two prosecution witnesses have been examined, out of total of 14. As such, trial is likely to take some time, thus, no useful purpose is going to be served by keeping him in custody.

On the other hand, prayer made in the present petition has been opposed at the instance of learned State counsel, who submits that there is

one another FIR pending against the petitioner under Section 307 IPC, however, he is not in a position to rebut or dispute the fact that the investigation stands concluded and, so far, only two prosecution witnesses have been examined.

I have heard learned counsel for the parties and gone through the paper book.

Considering the facts that the investigation already stands concluded, challan filed and only two prosecution witnesses have been examined, so far, besides the complainant already having deposed in court, no useful purpose is going to be served by extending the incarceration of the petitioner any further, who is in custody since 10.09.2021 i.e. more than 1 year and 4 months.

Besides it, from a perusal of the statement of account (Annexure P-2) attached along with the present petition, it prima facie appears to be a civil dispute between the parties regarding recovery of amount.

In view of the above, without expressing any opinion on the merits of the case, the present petition is allowed. Petitioner, namely, Rajiv @ Raju is ordered to be released on bail, subject to his furnishing bail bonds and surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

Any observation made in this order shall have no bearing on the merits of the case.

18.01.2023
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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/ No