

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-4766-2023

Date of Decision: 17.3.2023

Pardeep

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Ms. Divya Narula, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana

KARAMJIT SINGH, J.

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.336 dated 21.3.2022 registered for the offences punishable under Sections 147, 148, 149, 285, 307, 323, 325, 341, 379B, 427, 506 IPC and Section 25 of Arms Act at Police Station Sadar Hisar, District Hisar.

Counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case and no specific injury or act has been attributed to the petitioner who was simply named in the FIR. He further submits that the petitioner is in custody since 16.4.2022 and after completion of investigation, the challan has been presented but it will take considerable time for the trial to conclude even after its commencement. So, prayer is made that the petitioner be released on regular bail.

Present petition is contested by the State counsel who on instructions from ASI Kishan submits that the petitioner is named in the FIR

along with 6 other persons who along with 15-20 other unidentified boys armed with different weapons caused injuries to complainant-Gaurav and co-accused Sumit snatched gold chain while co-accused Rohit and Vishnu snatched ₹ 25,000/- from the pocket of the complainant and at that time, co-accused Anil was armed with pistol. However, the State counsel has not disputed the fact that the petitioner is in custody since 16.4.2022 and during investigation, no weapon was recovered from his possession and that challan has been presented but trial is yet to commence.

I have considered the submissions made by the counsel for the parties.

Admittedly, no specific injury or act of snatching is attributed to the petitioner who was named in the FIR. The petitioner is in custody since 16.4.2022 and no incriminating article or weapon was recovered at his instance during the investigation which has been completed and now the police has presented the challan. However, the trial is yet to commence and thereafter, it will take considerable time for the trial to terminate. So, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

March 17, 2023

Paritosh Kumar