

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

CRM-M-4605-2023
Decided on:-03.02.2023

KaranPetitioner..

vs.

State of HaryanaRespondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Jainainder Saini, Advocate,
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

HARKESH MANUJA J. (Oral)

By way of present petition filed under Section 439 Cr.P.C., the petitioner prays for grant of regular bail in case FIR No.405 dated 05.06.2021, under Sections 397, 506, 412, 285, 201 IPC and Section 25 of the Arms Act, 1959, registered at Police Station Hisar Sadar, District Hisar, during the pendency of trial.

Learned counsel for the petitioner submits that the investigation in the present case already stands concluded with the filing of challan and out of 23 witnesses cited by the prosecution, only 5 have been examined so far and even out of the said 5 witnesses, none has recognized the petitioner and turned hostile having not supported the case of the prosecution. Learned counsel further submits that the petitioner is already behind the bars for more than 1 year and 7 months now and even claims parity with co-accused, namely, Ashwani @ Gulzar, who has been granted the concession of regular bail by this Court vide order dated 19.12.2022, passed in CRM-M-58328-

2022, stating that his role is similar to that of Ashwani @ Gulzar as per the contents of the FIR and thus, prays for grant of concession of regular bail.

On the other hand, prayer made in the present petition has been opposed at the instance of learned State counsel, who on instructions from ASI Krishan, submits that recovery of Rs.3100/- has been effected from the petitioner, besides it, two more cases are pending against him and that too of almost similar nature.

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.

Considering the fact that the investigation in the present case already stands concluded, challan filed and out of 23, only 05 witnesses have been examined so far and none of them have supported the case of the prosecution as well as keeping in view the fact that the petitioner is already behind the bars for the last 01 year and 07 months now and particularly when the co-accused, namely Ashwani @ Gulzar with similar role/attribution to him in the FIR, has already been granted the concession of bail by this Court, no useful purpose is going to be served by keeping the petitioner behind the bars by extending his incarceration.

More than that, as already settled by Hon'ble the Supreme Court in ***“Maulana Mohd. Amir Rashadi vs. State of U.T. And another”***, ***reported as 2012(2) SCC 382***, the plea of bail raised at the instance of the petitioner cannot be rejected solely on the ground that he is involved in other cases.

In view of the above, without commenting anything on the merits, 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.

03.02.2023
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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/ No