

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

CRM-M No.6840 of 2023

Date of decision: 14th February, 2023

Suresh @ Ninu

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Lalit K. Narang, Advocate for the petitioner.

Mr. Rahul Mohan, Dy. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J. (O&M)

Petitioner has sought concession of regular bail in case bearing FIR No.320 dated 07.10.2020 under Sections 379-B, 395, 397, 427, 506 IPC (Section 325 IPC added later on) registered at Police Station Asauda, District Jhajjar.

Learned counsel for the petitioner inter alia submits that the false implication of the petitioner in the crime in question is evident from the fact that neither was he named in the FIR nor any recovery of the alleged looted amount from the cash box of toll-plaza, effected from him. It was only pursuant to the disclosure statement made by co-accused Deepak, the petitioner was nominated as an accused. It has been submitted that similarly situated co-accused Rinku has been extended the concession of bail vide order dated 31.01.2023 by this Court. Learned counsel submits that the petitioner has now been in custody since 04.09.2022 and the trial will take considerable time to conclude as charges are likely to be framed on 16.02.2023. Learned

counsel submits that in the circumstances, further incarceration of the petitioner would serve no useful purpose.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from SI Parmod has not been able to controvert the factual aspect of the submissions made by the counsel opposite. He on further instructions has not been able to dispute that the petitioner was neither named in the FIR in question nor any recovery of the alleged looted amount effected from him. Learned State counsel has submitted that the petitioner is not involved in any other criminal case, much less of a similar nature.

I have heard learned counsel for the parties and perused the relevant material on record.

The petitioner has now been in custody since 04.09.2022 and there is no likelihood of the trial concluding in the near future as charges are yet to be framed. In the facts and circumstances, as enumerated hereinabove, this Court deems it fit to allow the instant petition. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

February 14, 2023

rps

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