

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(208)

CRM-M-7439 of 2023
DATE OF DECISION:-16.02.2023

Shamsher

...Petitioner

VS.

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Aakash Dalal, Advocate, for the petitioner.

Mr. Sumit Jain, Additional Advocate General, 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 regular bail in case FIR No.281 dated 21.05.2021 under Sections 148, 149, 186, 307, 323, 353, 427 IPC and Section 196 of MV Act, registered at Police Station Sampla, District Rohtak (Haryana).

Learned counsel for the petitioner submits that the investigation in the present case already stands concluded with the filing of *challan* and even charges have been framed on 13.10.2021 and out of the total 27 witnesses cited by the prosecution, only 3 have been examined so far. Learned counsel further submits that the petitioner is behind the bars for a period of more than 1 year and 8 months and the conclusion of the trial is likely to take some time. Learned counsel also submits that even the complainant stands examined who has not attributed any specific role to the petitioner in his deposition, thus, the petitioner deserves concession of regular bail.

On the other hand, learned State counsel opposes the prayer made

herein while referring to the antecedents of the petitioner, learned counsel submits that the petitioner does not deserve the concession of regular bail as there are 7 other cases pending against the petitioner, out of which 6 were registered prior to the registration of the present FIR. He also submits that in the present case the petitioner besides, the other co-accused gave beatings to the police officials who were on duty.

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.

The investigation in the present case already stands concluded, the charges framed way back on 13.10.2021 and even after expiry of more than 1 year of framing of charges, only 3 witnesses have been examined so far out of total of 7 and thus, completion of trial is definitely going to take some time. Besides it, even the complainant stands examined who while appearing as PW-1 has not made any specific attribution to the petitioner. The petitioner was implicated in the present case on the basis of disclosure made by one of the co-accused namely Vivek and the evidentiary value thereof shall be looked into during trial. The petitioner is behind the bars for a period more than 1 year and 8 months now and there does not appear to be any justification for extending the further incarceration of the petitioner any further, thus, the petitioner deserves the 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.

16.02.2023
anil

(HARKESH MANUJA)
JUDGE

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