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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-10658-2023 (O&M)
Date of Decision: 09.03.2023

Rajesh

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. S.K. Verma, Advocate, for the petitioner.

Ms. Nidhi Garg, AAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

The present is a second petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No. 03 dated 02.01.2020, under Sections 324, 420, 34 and 506 IPC and Section 20 of NDPS Act, registered at Police Station Jind City, District Jind.

Learned counsel for the petitioner has submitted that the petitioner is in custody from 03.03.2022 which is more than 1 year and three witnesses have already been examined including the complainant namely Parveen. He submitted that as per the prosecution story the petitioner had come to the house of the complainant alongwith her husband and had left one bag there and from that bag there was a recovery of 5 kgs. and 135 grams of Sulfa and she was also beaten up by her husband. He submitted that the petitioner is having clean antecedents and the present case was planted upon the petitioner at the

instance of the aforesaid complainant. He submitted that be that as it may, the aforesaid complainant has already been examined and she has not supported the prosecution version and has been declared hostile. He submitted that the trial of the case may take long time and therefore, the petitioner may be considered for the grant of regular bail.

On the other hand, Ms. Nidhi Garg, learned AAG, Haryana has submitted that it is correct that the petitioner is in custody from 03.03.2022 which is more than 1 year and it is also correct that the petitioner is having clean antecedents and is not involved in any other case. She submitted that so far as the recovery of 5 kgs. and 135 grams of Sulfa is concerned, the same was not recovered from the petitioner but it was in the bag which was handed over by the complainant to the police. She submitted that it is also correct that the complainant has not supported the prosecution version.

I have heard the learned counsel for the parties.

The petitioner is in custody from 03.03.2022 which is more than one year. The trial has already commenced and the complainant has been examined who has not supported the prosecution version. The recovery was not from the person of the petitioner but from the bag which was handed over by the complainant to the police and according to the complainant, it was brought by the petitioner but later on at the time of deposition during the trial, the complainant did not support the prosecution version as per the learned counsel for the parties. The petitioner is stated to be not involved in any other case. Since the trial of the case may take long time and the petitioner is having clean antecedents, according to the learned counsel for the parties, this Court deems it fit and proper to grant regular bail to the petitioner.

Consequently, the present petition is allowed. The petitioner shall

be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

09.03.2023

rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)
JUDGE

: Yes/No
: Yes/No