

229 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-14748-2023
DECIDED ON: 28th MARCH, 2023

RAKESH

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. KDS Hooda, Advocate
for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

Mr. Sonu Kashyap, Advocate
for the complainant.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court under Section 439 Cr.P.C., has been invoked for the grant of regular bail to the petitioner in case FIR No. 327, dated 05.04.2022, under Sections 323, 341, 506 and 34 IPC (Section 302 IPC added later on), registered at Police Station HTM Hisar, District Hisar.

Learned counsel for the petitioner has contended that the allegation in the present case is that four persons including the petitioner gave beatings to the deceased. The petitioner is in custody since 10.04.2022 and challan stands presented and nothing is to be recovered from the petitioner.

Custody certificate of the petitioner filed by learned State counsel is taken on record. As per the custody certificate, the petitioner has suffered incarceration for a period of 11 months and 17 days as of now and is not involved

in any other case of any nature.

Learned State counsel assisted by the counsel for the complainant has opposed the prayer made in the present petitioner stating that the petitioner has actively participated in commissioning of offence.

Considering the custody period undergone by the petitioner so far and the fact that after framing of charges the case is still at initial stage meaning thereby conclusion of trial shall take sufficient long time and nothing is to be recovered from the possession of the petitioner, this Court is of the considered view that no useful purpose would be served by keeping the petitioner behind the bars for an indefinite period.

The petitioner is directed to be released on bail subject to his furnishing personal and surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate concerned.

The present petition is allowed in view of afore-said terms.

However, it is made clear that any observation made hereinabove, shall not be construed as an expression of opinion on the merits of the case.

28th MARCH, 2023
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(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>