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

CRM-M-16065-2023

Date of Decision: 06.11.2023

Ravi @ Akash

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Munfaid Khan, Advocate,
for the petitioner.

Mr. Harpreet Kaur, AAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.443 dated 15.12.2020, under Sections 324, 328, 307, 459, 392, 394, 120-B IPC and Sections 25/54/59 of the Arms Act registered at Police Station Sector-31, Faridabad, District Faridabad.

2. It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 17.12.2020, which is more than 2 years and 10 months and the investigation of the case has already been completed and thereafter, the charges were framed by the learned trial Court on 23.11.2021, which is almost 2 years ago, but till date, none of the prosecution witness has been examined and even the complainant is not coming forward for deposing. He further submitted that now even bailable warrants have been issued against the complainant and there is no justification from the prosecution as to why the prosecution witnesses have not deposed before the

Court with the result that the trial of the case has been delayed and the incarceration has been prolonged. He also submitted that the petitioner was falsely implicated in the present case because of the fact that earlier he was involved in 5 more cases and due to that reason the police had falsely implicated him by alleging that he had inflicted knife blow on the complainant.

3. On the other hand, Ms. Harpreet Kaur, learned AAG, Haryana submitted that it is correct that the petitioner is in custody since 17.12.2020 and no prosecution witness has been examined till date. She has however opposed the grant of regular bail to the petitioner on the ground that the matter is serious in nature and the petitioner is involved in 5 more cases of similar nature.

4. I have heard the learned counsels for the parties.

5. The custody of the petitioner comes out to be 2 years 10 months and 15 days. As per the learned counsel for the parties, till date, not even a single witness has been examined despite the fact that the charges were framed almost two years ago. As per the learned counsel for the petitioner, even bailable warrants have been issued against the complainant. The pendency of the other cases against the petitioner cannot become a ground for denial of bail to him, and therefore, considering the aforesaid facts and circumstances of the present case, this Court deems it fit and proper to grant regular bail to the petitioner.

6. Consequently, the present petition is allowed and the petitioner is ordered to be released on regular bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not

required in any other case.

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

06.11.2023
Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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|-------------------------------|---------|
| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No. |