

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

206 (02)

CRM-M-17526-2023

Decided on : December 12, 2023

SHERA

..... Petitioner

Versus

STATE OF HARYANA

..... Respondent

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Vikas Bishnoi, Advocate
for the petitioner.

Ms. Harsh Rekha Kapoor, AAG, Haryana.

NAMIT KUMAR, J. (Oral)

1. The present petition has been filed under Section 439 of Cr.P.C. seeking regular bail to the petitioner in case F.I.R. No.66 dated 02.03.2022, under Sections 419, 420, 465, 467, 468, 471 and 120-B of IPC, registered at Police Station City Pehowa, District Kurukshetra .

2. Vide order dated 16.08.2023, the petitioner was ordered to be released on interim bail in the present FIR by a Co-ordinate Bench of this Court. The aforesaid order reads as under:-

“Contends that petitioner is in custody since 02.05.2022; report under Section 173 Cr.P.C. was submitted on 01.07.2022; charges were framed on 22.08.2022 and out of total 21 prosecution witnesses, only 11 have been examined.

Learned Counsel for the petitioner seeks time to verify the status of FIR No.32 dated 17.01.2022, under Sections 419, 420, 467, 468, 471 & 120-B, IPC, registered at Police Station Civil Lines, District Hisar.

Posted for 06.09.2023.

In the meanwhile, petitioner be released on interim bail in the present case till the next date of hearing on his furnishing adequate bail and surety bonds subject to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

Let petitioner be present for assistance in the matter.

Be shown in the urgent list. ”

3. Learned counsel for the petitioner submits that the petitioner could not be released on bail due to pendency of another FIR bearing No.32 dated 17.01.2022, under Sections 419, 420, 467, 468, 471 and 120-B of IPC, registered at Police Station Civil Lines, District Hisar. He further submits that the petitioner is in custody for the last 01 year, 08 months and 13 days; investigation in the present case is complete; *Challan* has been presented on 01.07.2022; charges have been framed on 22.08.2022 and out of total 22 prosecution witnesses 11 have been examined and the trial may take a considerable time to conclude and therefore, no fruitful purpose would be served by detaining the petitioner further behind bars and the interim bail granted to the petitioner, vide order dated 16.08.2023, may be confirmed.

4. *Per contra*, learned State counsel submits that the petitioner is involved in other two cases bearing FIR No.32 dated 17.01.2022, under Sections 419, 420, 467, 468, 471 and 120-B of IPC, registered at Police Station Civil Lines, District Hisar and FIR No.139 dated 08.11.2002, under Sections 323, 325, 375 read with Section 34 of IPC, registered at Police Station Siwan, District Kaithal. Upon this, learned counsel for the petitioner submits that the petitioner has already been acquitted in the said FIR No.139 on 24.01.2010.

4. Keeping in view the custody of the petitioner, which is more than 01 year and 08 months, investigation in the present case is complete; *Challan* has been presented on 01.07.2022; charges have been framed on 22.08.2022 and out of total 22 prosecution witnesses 11 have been examined and trial is likely to take a considerable time, however, without commenting upon the merits of the case, the petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

5. The present petition stands disposed off.

December 12, 2023

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**(NAMIT KUMAR)
JUDGE**

Whether speaking/reasoned : ***Yes/No***
Whether reportable : ***Yes/No***