

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-19952-2022 (O&M)

Date of Decision: 11.1.2023

Yogesh

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Chirag Kundu, Advocate
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

KARAMJIT SINGH, J. (Oral)

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.213 dated 24.6.2019 registered for the offences punishable under Sections 186, 332, 353, 307, 420, 467, 468, 411, 412 IPC and Section 25, 54, 59 of Arms Act at Police Station Kharkhoda, District Sonipat.

Counsel for the petitioner *inter alia* contends that the petitioner who is falsely implicated in the present case, was earlier granted regular bail by the Court concerned vide order dated 13.12.2019 but thereafter, he was unable to appear in the trial Court due to terminal ailment of his father and his bail order was cancelled but he surrendered on 4.1.2022 and since then, he is behind the bars and that it will take considerable time for the trial to conclude. So, prayer is made for grant of regular bail to the petitioner.

Present petition is resisted by the State counsel who submits that the petitioner and his companions attacked the police party at the time

of the occurrence and all of them were armed with firearm. However, the State counsel on instructions from ASI Surjit Singh has not refuted the fact that initially, the petitioner was arrested immediately after the occurrence and was thereafter, granted regular bail but later on, he jumped the bail and later on, surrendered on 4.1.2022 and since then, detained in custody.

I have considered the submissions made by the counsel for the parties.

It apparently appears to be no injury case and admittedly, the petitioner after his arrest was released on regular bail but thereafter, he absconded and his bail was cancelled and later on, he surrendered on 4.1.2022 and since then, he is behind the bars. As per custody certificate furnished by the State counsel, the custody period of the petitioner comes out to be more than 1 year and 5 months and till date, only 4 prosecution witnesses are examined out of total 31. So, it will take considerable time for the trial to terminate. Thus, no fruitful purpose is going to be served by keeping the petitioner in custody for any further period.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

January 11, 2023

Paritosh Kumar

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No