

CRM-M- 19374-2023 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M- 19374-2023 (O&M)
Date of Decision: 25.04.2023

Bijender

... Petitioner

V/s.

State of Haryana

... Respondent

CORAM: **HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present : Mr. Sandeep Yadav, Advocate
for the petitioner.

Mr. Gaurav Gurcharan Singh Rai, DAG, Haryana.

DEEPAK MANCHANDA, J.(Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C. in case FIR No. 96 dated 30.07.2021, under Sections 379-B and 34 IPC (Sections 392, 411 IPC added later on) registered at Police Station Moohana, District Sonipat, Haryana.

Learned counsel for the petitioner contends that the petitioner is in custody since 29.08.2022. He submits that the petitioner has been falsely implicated in the present case as neither he has been named in the FIR nor any recovery has been effected from him rather he has been

nominated as an accused on the basis of disclosure statement made by the co-accused Deepak. He further contends that the co-accused Deepak has already been allowed bail by the Additional District and Sessions Judge, Sonipat vide order dated 17.08.2022. He submits that the challan stands presented and the charges have been framed and the conclusion of trial will take sufficient time, therefore, the petitioner be enlarged on bail.

Custody certificate has been filed by the respondent-State, which is taken on record. Even though learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that the petitioner is a habitual offender as he is involved in two other cases and the offence alleged against the petitioner is serious in nature, however, he does not dispute the fact that challan stands presented and the charges have been framed.

I have heard learned counsel for the parties.

Petitioner is in incarceration since 29.08.2022.

It is not a case made out by the respondent-State that in case concession of bail is granted to the petitioner, he would hamper the course of free and fair trial. Further, since the co-accused has already been allowed bail and the challan stands presented and the charges have been framed and none out of total 17 witnesses has been examined till date and the trial would take sufficient time, no useful purpose would be served in keeping the petitioner behind bars.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail

subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

(DEEPAK MANCHANDA)
JUDGE

25.04.2023
seema

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