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2023:PHHC:075653

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-25359-2023
DECIDED ON: 24th MAY, 2023

PARVEEN KUMAR @ JONY

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Amit Choudhary, Advocate
for the petitioner.

Mr. Gurbir Singh Dhillon, AAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. 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. 29, dated 13.01.2021, under Sections 392, 398, 401, 511 IPC and Section 25 of Arms Act, 1959, registered at Police Station City Tohana, District Fatehabad.

2. Learned counsel for the petitioner has placed reliance upon the order dated 19.04.2023 (Annexure P-4) passed in CRM-M-17289-2023 whereby, the co-accused of the petitioner namely Satish @ Chimta has been granted the concession of regular bail by this Court. He contends that no overt act has been attributed to the petitioner except that he was armed with iron rod, which was later on recovered at the instance of the petitioner.

3. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. As per the custody certificate the petitioner has suffered

incarceration for a period of 2 years 4 months and 10 days as of now. He opposes the prayer made in the present petition stating that the petitioner is also involved in other cases, which shows that he is a habitual offender. He further submits that there is no other distinction between the co-accused and the petitioner except that the petitioner was carrying an iron rod and in that eventuality, this Court has no reason to deny him the concession of regular bail as well.

4. Considering the afore-said facts and circumstances and the fact that after framing of charge on 02.12.2021, the prosecution has not completed its evidence so far, which shows that the trial is moving at snail's pace wherein, conclusion of trial shall take sufficient long time, 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 ordered to be released on bail subject to his furnishing personal and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned.

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

6. 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.

24th MAY, 2023
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(SANDEEP MOUDGIL)
JUDGE

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