

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

222 (A)

CRM-M-25806-2023

Date of Decision :-18.07.2023

Devender @ Chotu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Rahul Sidher, Advocate for the petitioner.

Mr. Surender Singh, AAG, Haryana.

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Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.028 dated 16.01.2023 registered under Sections 147, 149, 323, 379-B, 427 and 506 of the IPC at Police Station HTM Hisar, District Hisar.

Learned counsel for the petitioner submits that in the present case, investigation is already over and challan has been presented and no useful purpose will be achieved by keeping the petitioner behind the bars especially keeping in view the allegations alleged in the FIR, which are totally motivated.

Learned State counsel submits that the complainant was also injured and therefore, Section 379-B of the IPC has been invoked and though, the investigation is already over and challan has been presented but prayer of the petitioner for the grant of regular bail may kindly be rejected as it is likely that petitioner might obstruct the trial by influencing the witnesses.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

As of now, investigation is already over and the allegations alleged against the petitioner are yet to be proved during the course of trial. The State has only objected the bail on the ground that the petitioner might influence the witnesses. Nothing has come on record to support the said apprehension of the learned State counsel and even otherwise, learned counsel for the petitioner has undertaken before this Court that the petitioner will not obstruct the trial or influence the witnesses, whose statements are yet to be recorded in any manner and in case of default of the above undertaking, the State will be at liberty to approach this Court for passing an appropriate orders.

Keeping in view the facts and circumstances of the present case as the trial is likely to take some time before it concludes, no useful purpose will be achieved by keeping the petitioner behind the bars during the entire period of trial, the petitioner has made out a case for the grant of regular bail.

Without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

July 18, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

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