

(208) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-25879-2023

Date of Decision:26.05.2023

Mahipal

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present : Mr. Raj Kapoor Malik, Advocate for the petitioner.

Mr. B.S. Dhankar, Addl. A.G. Haryana.

SANDEEP MOUDGIL, J. (Oral)

This petition under Section 439 Cr.P.C has been filed for grant of regular bail to the petitioner in FIR No.219 dated 17.10.2020 registered under Sections 120-B, 420, 467, 468, 471 of IPC at Police Station Rajound District Kaithal.

Learned counsel for the petitioner contends that all other co-accused persons have been released on bail as the petitioner was not initially named in the FIR but on a disclosure statement of co-accused, he was arrayed as an accused. Main accused namely Manoj Kumar has been granted bail by this Court vide order dated 19.04.2023 passed in CRM-M-17137-2023 as also other co-accused namely Saleem has also been granted bail by this Court vide order dated 14.03.2022 passed in CRM-M-1887-2022. It is also the contention of the petitioner that nothing incriminating is to be recovered from the petitioner. No overt act has been attributed to him. He is behind bars for the last 4 months and 5 days.

On the other hand, learned State counsel has produced custody certificate and is not in a position to controvert the aforesaid facts with regard to the grant of bail to other co-accused.

This Court is conscious of the fact that out of 54 witnesses none has been examined. Moreover, charges are yet to be framed. The trial will take long time to conclude. The petitioner cannot be kept behind bars for indefinite time which may curtail his right of speedy trial enshrined in Article 21 of the Constitution of India.

Considering the totality of facts and circumstances of the case particularly the custody already faced by the petitioner during the pendency of the trial which is likely to take sufficient time to conclude and out of total 54 prosecution witnesses, none has been examined so far, this petition is allowed and the petitioner is ordered to be released on bail subject to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

26.05.2023

rajeev

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No