

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

**CRM-M-27145-2023
DECIDED ON: 02.06.2023**

VIKASH @ VICKY

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Ms. Manpreet, Advocate for
Mr. Siddarth, Advocate for the petitioner.

Mr. Bijender Dhankar, Addl. A.G. Haryana.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 439 of Cr.P.C., for grant of regular bail in FIR No.61 dated 17.5.2018 at Police Station Barara, District Ambala, under Sections 364, 302, 120-B, 406, 420 and 34 of Indian Penal Code and Sections 25, 29 and 54 of Arms Act, 1959.

Learned counsel for the petitioner submits that neither the petitioner has been named in the present FIR, nor any role has been attributed to him and he has been falsely implicated in the instant case.

It is also submitted by learned counsel for the petitioner that in any case, when the complainant as well as the eye-witness Ritik Rana were examined during the proceedings of trial, none of them has supported the case of prosecution and they have turned hostile and that, in these circumstances, the petitioner, who has suffered incarceration for a period about 4 years, 9 months and 12 days.

Learned counsel for the petitioner has placed reliance upon the order dated 28.04.2022 (Annexure P-2) passed in CRM-M-16566-2022, whereby co-accused person namely Amar Singh @ Amar Rana has already been granted the concession of regular bail by a co-ordinate Bench of this Court.

Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. According to which the petitioner is behind the bars for the last 4 years, 9 months and 12 days. He opposes the prayer made in the present petition stating that the petitioner is involved in various other case, which shows that he is a habitual offender and does not deserve the concession of bail.

Having heard learned counsel for the parties.

Considering the custody period undergone by the petitioner, wherein the investigation is complete, challan stands presented and conclusion of trial shall take sufficient long time and particularly in view of the fact that two material prosecution witnesses have already resiled, further detention of the petitioner would not be justify, which would also violate the principle of right to speedy trial and expeditious disposal under Article 21 of Constitution of India, as has been time and again discussed by this Court, while realising the judgment of the Apex Court passed in ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131.***

In view of the discussions made hereinabove, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

The present petition is, hereby, allowed.

However, anything stated hereinabove shall not be construed as

an expression of opinion on the merits of the case.

02.06.2023

(SANDEEP MOUDGIL)
JUDGE

Meenu

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