

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.27522 of 2023 (O&M)

Date of Decision:15.11.2023

Jalaludeen

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Mohammad Arshad, Advocate
for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

Mr. Nasir Jamal, Advocate
for the complainant.

HARPREET SINGH BRAR, J. (ORAL)

CRM No.34435 of 2023

Application is allowed.

Annexures P-6 to P-10 are taken on record, subject to all just exceptions.

CRM No.39237 of 2023

Learned counsel for the applicant-petitioner seeks to withdraw the instant application as the petition seeking regular bail is listed for today itself.

Dismissed as withdrawn.

CRM-M No.27522 of 2023

1. The petitioner has approached this Court under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.159 dated 28.03.2022 registered under Sections 406, 419, 420, 467, 468, 471, 120-B and 201 IPC at Police Station City Thanesar, District Kurukshetra.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner herein has been implicated in the present case on the basis of disclosure statement suffered by the co-accused Jahid @ Sukha, which has no evidentiary value in the eyes of law. The petitioner is behind bars for more than 9 months and the trial is likely to take some time to conclude. It is further contended that a petition seeking quashing of the instant FIR on the basis of compromise is pending adjudication before this Court and is listed for hearing today itself.

3. Learned counsel appearing for the respondent-State opposes grant of regular bail to the petitioner on the ground that the petitioner is a habitual offender and he is involved in other cases of similar nature.

4. Learned counsel appearing for the complainant admits to the factum of compromise entered into between the petitioner herein and the complainant and submits that the complainant has no objection in case the petitioner is enlarged on regular bail.

5. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that on completion of investigation, challan has been presented against the present petitioner before the trial Court on 27.05.2022 and charges have already been framed. There are total 17 prosecution witnesses, out of which none has been examined so far. As such, the trial is likely to take some time to conclude and no useful purpose would be served by keeping the petitioner behind bars. Further, in view of the law laid down by the Hon'ble Supreme Court in ***Prabhakar Tewari vs. State of Uttar Pradesh (2020) 11 SCC 648***, pendency of other criminal cases cannot be sole ground for rejection of the bail application. The instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal/surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

However, nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

6. Misc. application pending, if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

November 15, 2023
Pankaj*

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