

CRM-M-29453-2023

220

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

CRM-M-29453-2023

Date of Decision: 23.11.2023

Amit

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Amardeep Hooda, Advocate,
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.132 dated 07.03.2022, under Section 323, 34, 506 IPC and Sections 325 & 307 IPC were added later on, registered at Police Station Meham, District Rohtak.

2. Learned counsel for the petitioner submitted that the petitioner is in custody from 04.10.2022 which is more than 1 year and 1 month and the investigation of the case has already been completed and thereafter, challan has also been presented before the competent Court. He further submitted that the name of the petitioner was not mentioned in the FIR and the main accused, whose name is mentioned in the FIR i.e. Jagdeep @ Bholu, has since been extended the benefit of regular bail by this Court in

CRM-M-53384-2023 on 09.11.2023. He submitted that even otherwise also a compromise has been effected between the parties and the petitioner has clean antecedents and is not involved in any other case. He further submitted that considering the aforesaid position wherein the petitioner is rather at better footing than the aforesaid co-accused, he may also be considered for grant of regular bail.

3. On the other hand, Mr. G.S. Sidhu, learned Assistant Advocate General, Punjab, stated that so far as the custody of the petitioner is concerned, the same is correct but no witness has been examined till date. He further submitted that so far as the bail granted to the aforesaid co-accused is concerned, he has not disputed the same and submitted that the aforesaid co-accused is the main accused whose name has been mentioned in the FIR but the petitioner was one of the persons, who was identified later on. He has also not disputed the parity of the petitioner with the aforesaid co-accused and so far as the antecedents of the petitioner are concerned, he submitted that it is also correct that the petitioner is not involved in any other case.

4. I have heard the learned counsels for the parties.

5. The petitioner has faced incarceration for more than 1 year and 1 month and the other co-accused, whose name is mentioned in the FIR, has already been extended the benefit of regular bail by this Court in CRM-M-53384-2023 on 09.11.2023. The petitioner appears to be on better footing than the aforesaid co-accused and is stated to be having clean antecedents. Furthermore, it is neither the case of the State nor it has been argued by the learned State counsel that in case the petitioner is released on bail then he

may abscond or flee from justice or may influence the witness or may tamper with the evidence. Therefore, considering the aforesaid facts and circumstances of the case, this Court deems it fit and proper to grant regular bail to the petitioner.

6. Consequently, the present petition is allowed and the petitioner is ordered to be released on regular bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of the present petition.

23.11.2023

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

1. Whether speaking/reasoned:	Yes/No
2. Whether reportable:	Yes/No