

2023:PHHC:085063

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

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**CRM-M-29817 of 2023
Date of Decision:06.07.2023**

Monu Kumar

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Kuldeep Singh Siwach, Advocate,
for the petitioner.
Mr. Vishal Kashyap, DAG, Haryana

JASGURPREET SINGH PURI, J. (Oral)

1. This fourth petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.170 dated 16.07.2021, under Sections 379, 420, 511 IPC (Sections 379-A, 417, 34, 120B IPC added and Section 379 IPC deleted later on), registered at Police Station City Ratia, District Fatehabad.

2. Learned counsel for the petitioner has submitted that the petitioner in custody from 16.07.2021 and 4 prosecution witnesses out of 16 have already been examined. He submitted that since the petitioner has already suffered incarceration for about 2 years therefore he may be considered for the grant of regular bail. He further submitted that even otherwise also the petitioner has been falsely implicated in the present case and has never committed the aforesaid offence.

3. On the other hand, Mr. Vishal Kashyap, learned DAG, Haryana has opposed the grant of bail to the petitioner on the ground that the petitioner

does not have clean antecedents as he is involved in number of other cases of similar nature under Sections 379, 420 and 120-B IPC and under similar kind of provisions. He submitted that now the trial of the case is going at a fast pace because 4 prosecution witnesses out of 16 have already been examined and there is a strong apprehension that in case the petitioner is released on bail, then he may repeat the offence or may abscond from justice and therefore the petitioner is not entitled for the grant of concession of regular bail.

4. I have heard the learned counsel for the parties.
5. Although the petitioner is stated to be in custody in the present case from 16.07.2021 which is almost 2 years but as per learned State counsel 4 prosecution witnesses out of 16 have already been examined. The apprehension expressed by learned State that in case the petitioner is released on bail, then he may repeat the offence or may abscond from justice cannot be ignored and does carry weight.
6. In view of the peculiar facts and circumstances of the present case, this Court does not deem it fit and proper to grant the concession of regular bail to the petitioner. Consequently, finding no merit in the present petition, the same is dismissed.
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.

(JASGURPREET SINGH PURI)
JUDGE

July 06, 2023

dinesh	Whether speaking	:	Yes/No
	Whether reportable	:	Yes/No