

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

CRM-M-30688-2023

Date of decision : 21.6.2023

Vijay

..... Petitioner

Versus

State of Haryana and another

..... Respondent

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present :- Mr. Sukesh Kumar Jindal, Advocate
for the petitioner.

Mr. Rajiv Goel, DAG Haryana.

VIKRAM AGGARWAL, J. (ORAL)

1. The prayer in the present petition preferred under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in FIR No. 23 dated 2.3.2023 registered under Sections 186, 307, 332, 353 and 427 IPC and under Section 21 (1) of the Mine and Minerals Regulation and Development Act, 1957, at Police Station Bapoli, District Panipat.

2. On 2.3.2023, a police party was present in connection with patrolling duty when a tractor was spotted carrying sand. When the tractor was signalled to stop, the driver of the tractor dashed the tractor into the Government vehicle which was carrying the police officers. The driver of the tractor namely Monu alias Galuri was apprehended. On interrogation, he disclosed that the tractor belonged to the present petitioner.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated. He contends that the driver of the tractor trolley namely Monu alias Galuri is in custody. It has been further submitted that an application for release of the vehicle on Superdari was moved by one Ajay claiming himself to be owner of the tractor, thereby further proving that the petitioner has no concern with the tractor. It has been submitted that the petitioner has been in

custody since 10.3.2023; final report under Section 173 Cr.P.C. has been submitted; the petitioner is a young person aged 28 years and is not known to be a previous offender. He further submits that the trial will take a sufficiently long time and, therefore, no useful purpose would be served by keeping the petitioner in custody any longer.

4. On the other hand, learned counsel representing the State of Haryana has opposed the bail application. However, it has been submitted that the petitioner has undergone custody of 3 months and 10 days, as per the custody certificate filed in the Court today and another case is pending against the petitioner.

5. Admittedly, the petitioner was not present at the spot when the incident took place and the main accused Monu alias Galuri is in custody. The petitioner is in custody since 10.3.2023. Almost three and a half months have elapsed. Final report under Section 173 Cr.P.C. has been submitted. The other case stated to be pending against the petitioner is of the year 2019 and as per the custody certificate, the petitioner is on bail in the said case. In the considered opinion of this Court, no useful purpose would be served by keeping the petitioner in custody any longer.

6. In view of the aforementioned facts and circumstances, without expressing any opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, Panipat.

(VIKRAM AGGARWAL)
JUDGE

21.6.2023

sjks

Whether speaking/reasoned : Yes

Whether reportable : No