

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-31640-2023

Date of Decision: 7.8.2023

Harish @ Akshay

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Akashdeep Singh, Advocate
for the petitioner.

Mr. Neeraj Sheoran, DAG, Haryana

KARAMJIT SINGH, J. (Oral)

Prayer in the this 2nd petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.56 dated 9.2.2022 registered for the offences punishable under Sections 120-B, 323, 328, 380, 506 IPC at Police Station Matlauda.

2. The allegations in nutshell are that co-accused Nikita wife of Ajay was having extra marital affair with the present petitioner and both of them used to administer sleeping pills to Ajay in order to enjoy the said extra marital affair. FIR in this case has been registered on the basis of the complaint lodged by Ajay. Consequently, the petitioner was arrested on 17.5.2022 and is presently lodged in judicial custody.

3. Counsel for the petitioner *inter alia* contends that the petitioner

has been falsely implicated in the present case at the instance of the complainant and that the petitioner never administered any sleeping pills or stupefying substance to Ajay as has been alleged by the prosecution. Further, on completion of investigation, challan stands presented but trial is not progressing ahead as till date, no prosecution evidence is examined.

4. Counsel for the petitioner further submits that it will take considerable time for the trial to conclude and further, the petitioner is already enlarged on bail in another criminal case faced by him. So, prayer is made that the petitioner be granted regular bail.

5. Present petition is resisted by the State counsel who submits that the petitioner in collusion with co-accused Nikita used to administer sleeping pills to Ajay; that during investigation, the petitioner was arrested and 3 such tablets were recovered from his possession. However, the State counsel on instructions from ASI Mahavir has not disputed the fact that the petitioner is in custody for the last more than 1 year and 3 months and till date, the prosecution is unable to examine any evidence on its behalf.

6. I have considered the submissions made by the counsel for the parties.

7. The allegations levelled against the petitioner will be unfolded only during trial. Admittedly, the petitioner is in custody for the last more than 1 year and 3 months and till date, no prosecution witness has been examined. In the given circumstances, no purpose is going to be served by prolonging judicial custody of the petitioner.

8. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to

the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

August 7, 2023
Paritosh Kumar

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