

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-39020-2023

DECIDED ON: 3rd NOVEMBER, 2023

SUMIT

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Diwan S. Adlakha, Advocate with
Mr. Ajay Chauhan, Advocate
for the petitioner.

Mr. Gaurav Jindal, Addl. AG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 439 Cr.P.C., seeking regular bail to the petitioner in FIR No.374, dated 11.06.2022, under Sections 302 and 34 IPC (Sections 392 and 394 IPC added later on), registered at Police Station City Panipat, District Panipat, Haryana.

2. Learned counsel for the petitioner submits that the petitioner has been nominated as an accused in the present case on the basis of disclosure statement of other co-accused and no specific role has been attributed to him. It is asserted that there is no incriminating evidence against the petitioner and a false recovery of Rs.50,000/- has been shown against him. It is further asserted that cause of death has not been ascertained by the doctor. The assertion is that even in the CCTV footage obtained by the prosecuting agency, only persons are seen entering and exiting the office of the deceased and further shown in the office of the deceased, however, they are not identifiable. He has placed reliance upon the order dated 15.03.2023 passed in CRM-M-58772-2022 whereby, similarly situated co-accused namely Deepak has already been granted the concession of regular bail by this Court.

3. It is submitted on behalf of the petitioner that he is in custody since 16.06.2022 and challan stands presented.

4. Learned State counsel has produced the custody certificate of the petitioner, to demonstrate that the petitioner has suffered incarceration for a period of 01 year 4 months and 12 days. He opposes the prayer made in the present petition stating that the petitioner is a habitual offender as he is involved in another case, though he is on bail in that case. He asserts that the allegation against the petitioner is that he along-with co-accused Deepak, Manjeet Singh and Sitender made conspiracy to commit robbery in the office of Ramesh. He, on instructions, submits that it is the petitioner who has strangled the deceased by affixing the tape on his mouth and further there is a recovery of Rs.50,000/- from the petitioner. He does not controvert the fact that the co-accused namely Deepak has been granted the concession of regular bail by this Court.

5. Learned State counsel on instructions from SI Naresh, submits that though out of total 34 prosecution witnesses only two have been examined but complainant has not been examined yet.

6. Considering the fact that the petitioner has suffered incarceration for a period of 1 year 4 months and 12 days and nothing is to be recovered from him added with the facts that challan stands presented wherein, conclusion of trial shall take sufficient time and trial is moving at snail's pace as out of total 34 prosecution witnesses only two have been examined, which would also curtail the right of the petitioner for speedy trial and expeditious disposal, as enshrined under Article 21 of the Constitution of India, this Court is of the view that no useful purpose would be served by keeping the petitioner behind the bars for an indefinite period.

7. In view of the discussions made hereinabove, the petitioner is directed to be released on regular bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

In the afore-said terms, the present petition is hereby allowed.

9. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

03rd NOVEMBER, 2023
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(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>