

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

CRM-M-42298-2022
Date of Decision:-**20.01.2023**

RAHUL

... Petitioner

Versus

STATE OF HARYANA

... Respondent

-.-

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. Vikas Bishnoi, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

-.-

KARAMJIT SINGH, J. (Oral)

The petitioner has approached this Court seeking grant of regular bail in a case having FIR No.336 dated 21.3.2022 registered under Sections 147, 148, 149, 285, 323, 341, 379-B, 427, 506 IPC and Section 25 of Arms Act (Sections 307, 325 and 294 IPC added later on) at Police Station Sadar District Hisar.

The counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case and he was not named in the FIR and later on nominated as accused on the basis of disclosure statement made by co-accused Sumit. The counsel for the

petitioner further submits that the petitioner is in custody for the last more than 9 months and after completion of investigation the challan has been presented by the police and it will take considerable time for the trial to conclude even after its commencement. So prayer is made that the petitioner be released on regular bail.

The instant petition is contested by the State counsel, who submits that seven persons named in the FIR were accompanied by 10/15 persons and all of them caused injuries to complainant Gaurav. The State counsel further submits that petitioner was one of those unidentified person and his name surfaced in the disclosure statement made by co-accused Sumit and thereafter he was arrested on 3.4.2022 and one iron rod and some cash was recovered from his possession. However, the State counsel has not disputed the fact that after completion of investigation police has presented the challan but trial is yet to commence.

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

Admittedly the petitioner was not named in the FIR and was arraigned as accused on the basis of disclosure statement made by co-accused Sumit and is in custody since 3.4.2022. The recovery is already effected from the petitioner and presently he is lodged in judicial custody and after completion of investigation the police has presented the challan and it will take considerable time for the trial to conclude after framing of charges. So no purpose is going to be served by keeping the accused behind the bars for any longer period.

Thus without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

20.01.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No