

CRM-M-44479-2022 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-44479-2022 (O&M)

Date of Decision: 08.05.2023

Sumit alias Mittu

... Petitioner

V/s.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present : Mr. R. K. Girdhwal, Advocate
for the petitioner.

Mr. Karan Garg, AAG, Haryana.

DEEPAK MANCHANDA, J.(Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C. in case FIR No 217 dated 31.07.2020, under Sections 394, 397, 201 IPC and Sections 25, 29, 54, 59 of Arms Act registered at Police Station Sadar Safidon, Haryana.

Learned counsel for the petitioner contends that the petitioner is in custody since 07.03.2022. He submits that the petitioner, who is not named in the FIR and has been implicated in the present case after a gap of one and a half year from the date of registration of FIR and the allegations alleged in the FIR are that the complainant Dr. Rajesh Garg and his driver were robbed and kidnapped by some unknown car-borne youths at gun point and were looted of valuable items/money and also were given beatings

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by them. He submits that the petitioner has been falsely implicated as an accused on the basis of disclosure statement of the co-accused Deepak. The petitioner claims parity as the co-accused Deepak has been allowed regular bail by this Court vide order dated 27.03.2023 in CRM-M-48257-2022 and other co-accused namely Anil, Manoj alias Kalu and Rohit have been granted concession of regular bail by the trial Court vide orders dated 11.04.2023, 24.04.2023 and 03.05.2023 respectively. He further submits that the material witnesses especially the complainant has turned hostile and the challan stands presented and out of total 21 witnesses only 09 have been examined till date and the conclusion of trial will take sufficient time, therefore, the petitioner be enlarged on bail.

Custody certificate has been filed by the respondent-State, which is taken on record. Even though learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that the petitioner is a habitual offender and the offence alleged against the petitioner is serious in nature and he is involved in nine other cases also ,however, he does not dispute the fact that the investigation is complete and the charges have been framed and the material witnesses have turned hostile.

Confronted with the same, learned counsel for the petitioner submits that he is on bail in five cases and refers to the judgment rendered by the Apex Court in ***Maulana Mohd. Amir Rashdi vs. State of Uttar Pradesh and Another in Criminal Appeal No. 159 of 2012.***

I have heard learned counsel for the parties.

Petitioner is in incarceration since 07.03.2022.

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It is not a case made out by the respondent-State that in case concession of bail is granted to the petitioner, he would hamper the course of free and fair trial. Further, since the matter stands investigated and the charges have been framed and the co-accused have been granted concession of bail and the complainant has turned hostile and the trial would take sufficient time, no useful purpose would be served in keeping the petitioner behind bars

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

(DEEPAK MANCHANDA)
JUDGE

08.05.2023
seema

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