

218 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-43478-2023

Date of Decision: 21.09.2023

Sunil

...Petitioner

VS.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Jai Bhagwan Tobria, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.142 dated 02.03.2023 registered under Sections 379-B and 34 of IPC and challan was filed under Section 395, 397, 325, 420 of IPC and Section 25 of Arms Act, at Police Station, Sadar Bhiwani, District Bhiwani.

2. Learned counsel for the petitioner submits that the petitioner was not named in the FIR and has been involved on the basis of the statement suffered by co-accused in police custody. He further contends that the petitioner was arrested in the present case on 13.03.2023 and is in custody for the last more than six months. Learned counsel further contends that in the present case, charges were ordered to be framed on 11.07.2023 and only three witnesses, out of 22 witnesses, have been examined so far. Even three prosecution witnesses examined so far, had not supported the case of the

prosecution. He further contends that the recovery of Rs.25,000/- and two pairs of silver jewelry have been planted upon the present petitioner. He further contends that his further custody will not serve any meaningful purpose.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the petitioner had actively participated in the commission of crime and the recovery of silver jewelry had taken place from him, which connects him with the crime.

4. I have heard the learned counsel for the parties and perused the record.

5. The petitioner is in custody in the present case, for the last more than six months and the prosecution has examined only three witnesses so far. Even the said witnesses have turned hostile and have not supported the case of the prosecution.

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

21.09.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

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