

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-46454-2022
DATE OF DECISION:-19.01.2023

Devender @ Billu

...Petitioner

vs.

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr.Pankaj Bali, Advocate, for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

HARKESH MANUJA, J.

By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, petitioner is seeking grant of regular bail pending trial in FIR No.355 dated 24.08.2020 for the offence under Sections 379-B, 120-B, 392, 397 IPC & under Sections 25, 54, 59 of Arms Act, registered at Police Station Kurukshetra University, Kurukshetra (Annexure P-1).

Learned counsel for the petitioner submits that petitioner is behind the bars for almost 2 ½ years. Investigation has already been concluded and *challan* stands filed. Even, out of the 16 prosecution witnesses, 9 stand examined. Learned counsel for the petitioner also submits that trial is likely to take long time. He also relies upon the order passed by this Court on 11.02.2021 passed in CRM-M-5513 of 2021, wherein, co-accused Jagvinder Singh @ Jagga was granted concession of regular bail. In view thereof, he prays for grant of regular bail to the petitioner.

On the other hand, learned State counsel opposes the prayer made in the present petition while submitting that the role attributed to the present petitioner as compared to the co-accused Jagvinder Singh @ Jagga is totally

different. He submits that Jagvinder Singh @ Jagga was nominated in view of the disclosure statement made by one of the co-accused. It has also been submitted that a country made pistol was also recovered from the petitioner, besides, a sum of Rs. 2.5 Lakhs.

I have heard learned counsel for the parties and gone through the paper book. I find substance in the submission made on behalf of petitioner.

In the facts of the present case, petitioner has already been behind the bars for almost 2 ½ years whereas, investigation has been concluded, *challan* stands filed. Out of 16 prosecution witnesses, 6 already stand examined and the trial is likely to take long time. Thus, there does not appear to be any justification for extending the incarceration of the petitioner for any further period. Referring to the case of co-accused Jagvinder Singh @ Jagga to whom the concession of regular bail has been granted vide order dated 11.02.2021 passed in CRM-M-5513 of 2021, it has been pointed out by learned counsel for the petitioner that from him also a recovery of Rs.2.52 Lakhs was made during investigation.

Without commenting anything on the merits, lest it may prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

However, nothing expressed hereinabove shall be construed as an expression on the merits of the case.

19.01.2023
anil

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No