

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

CRM-M-47180-2022 (O&M)

Date of Decision:-**18.01.2023**

RAEES (RAISH) AHMED

... Petitioner

Versus

STATE OF HARYANA

... Respondent

-.-

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. Parteek Rathee, Advocate
for the petitioner.

Ms. Kanica Sachdeva, AAG, Punjab.

-.-

KARAMJIT SINGH, J. (Oral)

Prayer is for grant of regular bail in case having FIR No.28 dated 2.2.2022 registered under Sections 395, 365, 323, 506 IPC (Section 412 and 120-B IPC added later on) at Police Station Sadar District Jhajjar.

The counsel for the petitioner *inter alia* contends that FIR in this case was registered against unknown persons and the petitioner is in custody since 10.2.2022 and during investigation no stolen article was recovered from his possession. The counsel for the petitioner further submits that after completion of investigation challan was presented and charges framed but till date no prosecution witness has been examined. The counsel for the petitioner further submits that in the given circumstances no purpose is going to be served by prolonging the judicial custody of the petitioner.

The instant petition is opposed by the State counsel, who on instruction from ASI Kuldeep has not refuted the fact that the petitioner is in custody for the last 11 months and no incriminating article was recovered from his possession and the investigation is already completed in this case and that petitioner is having criminal history.

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

Admittedly the FIR in this case was registered against the unknown persons regarding theft of construction material and the petitioner is in custody for the last 11 months and no stolen articles were recovered from his possession and after completion of investigation challan has been presented and trial Court has framed charges but till date no prosecution witness has been examined and it will take considerable time for the trial to conclude.

In view of the above, as it will take time for the trial to conclude, so no purpose is going to be served by keeping the accused behind the bars for any longer period even if he is having criminal history. 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.

(KARAMJIT SINGH)
JUDGE

18.01.2023
Gaurav Sorot

Whether reasoned / speaking?
Whether reportable?

Yes / No
Yes / No