

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

314

CRM-M-45445-2023 (O&M)
Date of decision: 08.11.2023

Birbal @ Birbal Ram

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Ram Kumar Saini, Advocate for the petitioner.

Mr. Pawan Jhanda, DAG, Haryana.

Mr. Amrita Nagpal, Advocate, for the complainant

VIKAS SURI, J.

1. This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.239 dated 20.04.2021, under Sections 406, 420, 467, 468, 471, 506 IPC (Section 120-B IPC added later on), registered at Police Station Panipat City, District Panipat.

2. Learned counsel for the petitioner has argued that the petitioner is innocent and has been falsely implicated in the present case. He has not been named in the FIR and nominated on the basis of disclosure statement suffered by his co-accused Manoj. The recovery already stands effected from him, therefore, keeping the petitioner behind bars would not serve any useful purpose. He was arrested on 07.08.2023. It is further submitted that petitioner is not involved in any

other FIR; the investigation is complete; challan stands presented; the charge is yet to be framed. Furthermore, the prosecution has cited as many as 89 prosecution witnesses, therefore, conclusion of trial will take considerable time.

3. *Per contra*, learned State counsel has filed the custody certificate dated 06.11.2023 in Court today. Same is taken on record. A copy thereof furnished to learned counsel for the petitioner.

4. Ms. Amrita Nagpal, Advocate puts in appearance on behalf of the complainant and has filed her memo of appearance, which is taken on record.

5. Learned State counsel as well as learned counsel for the complainant vehemently oppose the prayer so made. Learned State counsel has not disputed the fact that the petitioner is not involved in any other criminal case.

6. Heard learned counsel for the parties.

7. Keeping in view the fact that recovery stands already effected from the petitioner; he is in custody from the date of his arrest i.e. 07.08.2023; the offences alleged are triable by Magistrate; the trial is yet to commence inasmuch as the charge is yet to be framed. Therefore, further incarceration of the petitioner for an indefinite period would not serve any useful purpose.

8. Accordingly, the instant petition is allowed and the petitioner is ordered to be released on regular bail, if not required in any other case, on furnishing personal-bond and surety to the satisfaction of the concerned Jurisdictional Magistrate/Trial Court/Duty Magistrate.

9. It is made clear that the petitioner shall not influence the trial or prosecution witnesses in any manner directly or indirectly.
10. However, any observation made herein-above shall not be construed as an expression of opinion on the merits of the case.

November 08, 2023
sumit.k

(VIKAS SURI)
JUDGE

Whether speaking/reasoned :	Yes / No
Whether Reportable :	Yes / No