

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

Sr. No.210

**CRM-M-52149-2021 (O&M)**

**Date of decision : 23.01.2023**

Happy

..... Petitioner

**VERSUS**

State of Haryana

..... Respondent

**CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL**

Present: Mr. R.S. Hooda, Advocate, for the petitioner.

Mr. Himmat Singh, DAG, Haryana

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**SUDHIR MITTAL, J. (Oral)**

This petition has been filed for grant of regular bail in case FIR No.0079 dated 22.04.2021, registered at Police Station Julana, District Jind, under Sections 392, 34 IPC and Section 25 of the Arms Act, 1959.

Learned counsel for the petitioner submits that the petitioner has undergone actual custody of 1 ½ years and that the trial is not likely to be concluded at an early date as only 01 PW has been examined. The said PW is complainant-eye witness and he has not supported the prosecution story/case in the Court. There is no other criminal case of similar nature pending against the petitioner. Thus, he may be granted regular bail.

Custody certificate dated 21.1.2023 digitally signed by Sh. Birender Singh, Deputy Superintendent, District Prison, Jind, has been filed in Court. The same is taken on record. A perusal thereof shows that the petitioner has undergone actual custody of 01 year, 06 months and 24 days. There are 02 other criminal cases pending against him, both of which are

regarding causing of simple injuries. In one case, the petitioner is on bail and in the other case, he is not. Two acquittals have also been recorded.

Learned State counsel concedes that only 01 PW has been examined till date. He also concedes that similarly situated co-accused has been granted regular bail.

Keeping in view the fact that the trial is not likely to be concluded at an early date as well as the period of custody undergone by the petitioner and that eye-witness has not supported the case of the prosecution as well as the fact that no other case of robbery is pending against him, I deem it appropriate to grant regular bail to the petitioner. The petition is allowed and it is directed that the petitioner be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned. He will, however, not be released, if he is in custody in some other case also.

(SUDHIR MITTAL)  
JUDGE

23.01.2023  
Ramandeep Singh

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|-----------------------------|-----|
| Whether speaking / reasoned | Yes |
| Whether Reportable          | No  |