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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M- 48257-2022 (O&M)
Date of Decision: 27.03.2023

Deepak

... Petitioner

V/s.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present : Mr. Manvinder Sidhu, Advocate
for the petitioner.

Mr. Parveen Aggarwal, DAG, Haryana.

DEEPAK MANCHANDA, J.(Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C. in case FIR No. 217 dated 31.07.2020 under Sections 394, 397, 201 IPC and Sections 25, 29 of Arms Act No. 54 of 1959 registered at Police Station Safidon, District Jind.

Learned counsel for the petitioner contends that the petitioner is in custody since 07.03.2022. He submits that the petitioner, who is not named in the FIR, has been falsely implicated in the present case after a gap of 1 and a half year from the date of registration of FIR. Learned counsel further submits that the allegation alleged in the FIR are that the complainant Dr. Rajesh Garg and his driver were robbed by some car-borne youths at gun-point and were kidnapped by them but later on were

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abandoned near Village Malikpur. The petitioner has been nominated as an accused on the basis of disclosure statement of the co-accused Sumit alias Mitu on 27.08.2020 though there was no mention about the parentage of the petitioner but in his second disclosure statement suffered on 07.03.2022, the co-accused disclosed about the same and that no test identification parade of the petitioner had been conducted. He further submits that the investigation is complete and out of 21 total witnesses 07 have been examined including the material witnesses and material witnesses have turned hostile and the conclusion of trial will take sufficient time, therefore, the prayer is made for the petitioner to be enlarged on bail.

Custody certificate has been filed by the respondent-State, which is taken on record. Even though learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that the petitioner is a habitual offender and the offence alleged against the petitioner is serious in nature and he is involved in five cases. ,however, he does not dispute the fact that the investigation is complete and the charges have been framed and the material witnesses have turned hostile.

Confronted with the same, learned counsel for the petitioner submits that he is in custody in those cases and refers to the judgment rendered by the Apex Court in ***Maulana Mohd. Amir Rashdi vs. State of Uttar Pradesh and Another in Criminal Appeal No. 159 of 2012.***

I have heard learned counsel for the parties.

Petitioner is in incarceration since 07.03.2022.

It is not a case made out by the respondent-State that in case

concession of bail is granted to the petitioner, he would hamper the course of free and fair trial. Further, since the matter stands investigated and the charges have been framed and the trial would take sufficient time, no useful purpose would be served in keeping the petitioner behind bars

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

(DEEPAK MANCHANDA)
JUDGE

27.03.2023
seema

Whether speaking/reasoned	Yes
Whether Reportable	Yes /No