

214 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-49665-2022

Date of Decision:16.08.2023

Sahil

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Sandeep Yadav, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

N.S.Shekhawat J. (Oral)

The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.245 dated 04.11.2019 registered under Sections 379-B, 392, 397, 412, 201, 34 of IPC and Section 25 of the Arms Act, at Police Station Sadar Bahadurgarh, District Jhajjar.

Learned counsel for the petitioner submits that the petitioner was not named in the present case and has been falsely involved later on without any incriminating evidence against him. The petitioner was nominated as an accused in the present case on the basis of disclosure statement suffered by his co-accused. Learned counsel further contends that his co-accused Prince and Sumit @ Kalia have already been granted the concession of bail vide orders Annexure P-5 and P-6, respectively. Learned counsel further contends that even the petitioner has compromised the

matter with the complainant and the complainant has also filed an affidavit (Annexure P-7) in this regard. As per the affidavit filed by the complainant, the petitioner was not present at the place of occurrence. Learned counsel further contends that the petitioner was arrested in the present case on 26.02.2022 and is in custody for the last more than one year and five months. He further contends that all the material witnesses of the prosecution have already been examined and his further custody will serve no meaningful purpose.

On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that six more cases have been registered against the present petitioner and he is not entitled for bail. However, she admits that in five cases, the petitioner is on bail.

I have heard the learned counsel for the parties and perused the record.

It is not in dispute that similarly placed co-accused Prince and Sumit @ Kalia have already been granted the concession of bail by the Court of learned Additional Sessions Judge, Jhajjar vide orders Annexure P-5 and P-6, respectively. Apart from that, the matter has already been resolved between the parties and the complainant has also submitted an affidavit (Annexure P-7) in this regard before this Court. The petitioner is in custody since more than one year and five months and the material witnesses of the prosecution have already been examined. No doubt, the pendency of other criminal cases is one of the main grounds for consideration of bail application, but the bail cannot be denied solely on the said ground, when the petitioner has been able to make out a case for grant of bail in the present case.

Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

16.08.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No