

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-50486-2022

Date of Decision: 21.03.2023

Baldev

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. S.S. Rana, Advocate for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

ASHOK KUMAR VERMA, J. (ORAL)

Reply dated 03.03.2023, filed by way of affidavit of Sh. Vivek Chaudhary, Deputy Superintendent of Police (AEC), Kaithal, District Kaithal, on behalf of respondent-State is taken on record.

The petitioner has filed the present petition under Section 439 Cr.P.C., for grant of regular bail in case FIR No. 126 dated 26.04.2022 registered under Sections 342, 395, 120-B and 201 IPC at Police Station Sadar Kaithal, District Kaithal.

According to the prosecution story, the aforesaid FIR was registered on the complaint of Mahant Doojpuri Chela Mahant Ompuri resident of Dera Baba Rajpuri, Village Baba Ladana, stating therein that on the intervening night of 25/26.04.2022, he was sleeping. Some persons hit at the door upon which the bolt got broken and 4/5 boys with muffled faces armed with danda came and threatened him while asking for money and on his refusal, they scattered the articles in the room and further had taken away ₹7,00,000/- in cash from the wooden almirah, four gold rings and other articles lying in the room.

Learned counsel for the petitioner, *inter alia* contends that petitioner has falsely been implicated in the instant case on the basis of

disclosure statement suffered by his co-accused which is a very weak type of evidence. The only role attributed to the petitioner is that he had conducted *reiki* of the place of occurrence in the month of April. He further submits that after completion of investigation, challan has been presented before the trial Court but charges are yet to be framed. Petitioner is in custody since 02.10.2022. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Thus, it is prayed that the petitioner may be released on regular bail.

On the other hand, learned counsel for the State vehemently opposed the submissions made by learned counsel for the petitioner.

Keeping in view the facts and circumstances of the case, the role attributed to the petitioner and also the custody period of the petitioner, but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and petitioner-Baldev, is ordered to be released on regular bail on furnishing of bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate concerned.

March 21, 2023
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned **Yes/No**

Whether Reportable **Yes/No**