

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-50733-2022

Date of Decision: 23rd March, 2023

Pankaj

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Lukesh Sharma, Advocate for the petitioner.
Mr. Sharad Aggarwal, AAG, Haryana.

AVNEESH JHINGAN , J.(Oral)

1. This petition is filed seeking regular bail in FIR No. 328, dated 27th July, 2020, under Sections 201, 302, 34, 346, 364 of Indian Penal Code, 1860, registered at Police Station Meham, District Rohtak.
2. Learned counsel for the petitioner claims parity with co-accused Rahul who was granted regular bail by this court on 24th November, 2022.
3. On 24th November, 2022, following order was passed:-

“This is a petition seeking regular bail in FIR No.328, dated 27.07.2020, under Section 201, 302, 34, 346, 364 of the Indian Penal Code,1860, registered at Police Station Meham, District Rohtak.

Learned counsel for the petitioner contends that there is no direct evidence against the petitioner except the circumstantial evidence on the basis of which, the petitioner has been roped in the present FIR. He further asserts that the challan has already been filed and the charges have been framed on 27.10.2021, therefore, the petitioner is not required to be kept in custody.

On the other hand, learned State counsel has filed custody certificate of the petitioner today in the Court, which is taken on record. According to the custody certificate, the petitioner is already behind bars for the last 02 years, 03 months and 23 days and there is no other case pending against the petitioner of any kind. He further submits that none of the prosecution witnesses have been examined till

date.

Looking at the totality of the facts and circumstances and in view of the fact that after framing of charge, the trial has not proceeded further as no single witness has been examined till date and the petitioner is behind bars for the last 02 years, 03 months and 23 days, therefore, no fruitful purpose will be served by keeping the petitioner behind bars, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate, concerned.

The present petition is, therefore, allowed.”

4. Learned counsel for the State though opposes the prayer for grant of bail but on instructions fairly submits that allegations against the petitioner are similar with the co-accused Rahul.
5. Without commenting on the merits of the case, on the basis of parity of petitioner vis-a-vis co-accused so far as grant of bail is concerned, petitioner has no criminal antecedent and though the investigation is complete conclusion of trial is likely to take time, the petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.
6. The petition is allowed.
7. However, it is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.
8. since the main petition is allowed, pending application, if any is rendered infructuous.

(AVNEESH JHINGAN)
JUDGE

23rd March, 2023
Parveen Sharma

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