

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

(210)

**CRM-M-53782-2022
Date of Decision: 30.01.2023**

Rizwan @ Amzad

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Naveen Thakur, Advocate, for the petitioner.

Mr. Sumit Jain, Addl. A. G. Haryana.

HARKESH MANUJA, J.(ORAL)

By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, petitioner is seeking grant of regular bail pending trial in FIR No.413 dated 12.10.2021 registered under Sections 379-A and 34 of IPC (but later challan was presented under Sections 379, 39-A, 411, 482, 34 IPC) at Police Station Urban Estate, District Rohtak (Annexure P-1).

Learned counsel for the petitioner submits that petitioner was arrested in the present case on 12.10.2021 and is in custody for the past more than 1 years, 3 month and 11 days, besides, the completion of investigation and framing of charges, the trial has not been completed so far. He also submits that in other FIRs wherein, his alleged involvement has been shown, initially, the FIR were got registered against the unknown person wherein, the petitioner was later implicated without his involvement. Learned counsel further submits that there are other cases pending against the petitioner and 3 out of five cases, he has already been granted concession of regular bail and thus, the petitioner deserves the concession of regular bail.

On the other hand, learned State counsel opposes the prayer herein while submitting that petitioner is a habitual offender and in other FIRs, recovery in the shape of cash as well as mobile has also been affected from him and as such, the petitioner does not deserve the concession of regular bail.

I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

In the present case, petitioner is behind the bars since 1 year, 3 months and 11 days and he being a young boy of 20 years of age needs to be granted an opportunity to mend his ways and to make an effort to earn his livelihood by adopting legal means and cannot be thus, kept behind the bars for an indefinite period particularly keeping in view the investigation having been concluded and the trial likely to take some time. Though, there are other pending cases against the petitioner, however, in three out of 5 cases, he has already been granted concession of regular bail. As such, he deserves the concession of regular bail.

Without commenting anything on the merits, lest it may prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

However, nothing expressed hereinabove shall be construed as an expression on the merits of the case.

(HARKESH MANUJA)
JUDGE

30.01.2023
anil