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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No. 52003 of 2023
Decided on :- 20.12.2023

SAIKUL

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Munaid Khan, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, DAG, Haryana.

SANJIV BERRY, J. (ORAL)

Learned State counsel has filed reply by way of affidavit dated 15.12.2023 of Assistant Commissioner of Police, Mujesar, District Faridabad as well as custody certificate dated 19.12.2023, the same are taken on record, copy supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in the following case:-

FIR No.	Dated	Sections	Police Station
239	16.03.2023	399, 402 IPC and 25 of Arms Act.	Sector 58, Faridabad Haryana

3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He submits that the petitioner is in custody since 16.03.2023, challan in the case has already been presented in Court on 24.04.2023, charges have not been framed till date and the next date is 18.01.2024, prosecution has cited 13 witnesses. He submits that co-accused Aslan alias Babbar, Bilal alias Billa, Wasim and Nafees alias Pola have already been granted concession of bail by learned trial Court vide orders dated 19.04.2023 and 06.05.2023, (Annexure P-2 to P-4) respectively, as such he prays for grant of concession of bail to the petitioner.

4. Per contra, learned State counsel has opposed the bail application by arguing that considering the nature and gravity of offence, petitioner is not entitled for concession of bail. He submits that as per custody certificate one case is pending against petitioner, however he admits that the petitioner is on bail in that case. He has also not controverted the factual matrix of the case.

5. Considering the rival contentions and perusing the record, it transpires that the petitioner is in custody since 16.03.2023 in the present case, challan has already been presented in the Court, charge has yet to be framed, prosecution has cited 13 witnesses and the next date of hearing is 18.01.2024. Co accused Aslan alias Babbar, Bilal alias Billa, Wasim and Nafees alias Pola have already granted concession of bail by learned trial Court vide orders dated 19.04.2023 and 06.05.2023, (Annexure P-2 to P-4)

respectively. The conclusion of trial will take sufficient long time to ascertain criminal liability, if any, of the petitioner and no useful purpose would be served by detaining the petitioner any longer in custody.

6. Consequently, without commenting on the merits of the case, it is observed that no purpose would be served in keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

20.12.2023
Gyan

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No