

CRM-M No.53115 of 2023(O&M)

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2023:PHHC: 164434

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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No. 53115 of 2023(O&M)

Decided on :- 20.12.2023

JITENDER @ LALA

... Petitioner

Versus

STATE OF HARYANA

... Respondent

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

Present:- Mr. Parvez Chaudhary, Advocate with
Mr. Digvijay Singh, Advocate and
Mr. Hargun Sandhu, Advocate, for the petitioner.

Mr. Surender Singh, AAG, Haryana.

SANJIV BERRY, J. (ORAL)

CRM-52328-2023

1. Learned counsel for the applicant-petitioner prays for withdrawal of the instant application at this stage.
2. Dismissed as withdrawn at this stage.

CRM-53887-2023

1. Instant application has been preferred under Section 482 Cr.PC seeking amendment of the petition.
2. Heard.
3. Keeping in view the averments made in the application, same is

allowed and Section 201 read with Section 34 IPC is ordered to be added and Section 210 IPC is ordered to be deleted in the head note and prayer clause of the main petition. Registry to do the needful. Amended petition is ordered to be taken on record.

4. Disposed of.

Main case

1. 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 (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
12	17.01.2023	379-A IPC (210 IPC is substituted with 201 and 34 IPC)	Ladwa, District Kurukshetra

2. It is *inter alia* contended by learned counsel for the petitioner that the petitioner has been falsely implicated in this case on the basis of disclosure statement. He submits that he is in custody since long, challan has been presented in Court on 29.03.2023 charges have been framed on 16.11.2023, and prosecution has cited 20 witnesses and none has been examined till date, possible recovery has already been effected from the petitioner, as such he prays for grant of concession of bail to the petitioner.

3. Per contra, learned State counsel ha filed reply by way of affidavit dated 19.12.2023 of Tarun Saini, HPS, DSP, Ladwa Kurukshetra and argued that considering the nature and gravity of offence, petitioner is not entitled for concession of bail. He submits that petitioner is a habitual offender and also involved in three other cases, however he has admitted that

out of three cases, in two, petitioner is on bail and in one case he is in custody.

4. Considering the rival contentions and perusing the record, it transpires that the petitioner is in custody since long in the present case and he has been nominated on the basis of disclosure statement, challan has already been presented in the Court, charges have been framed and out of 20 witnesses cited by the prosecution none has been examined till date and 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.

5. 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.

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

7. Pending application(s) if any, shall also stand disposed of.

(SANJIV BERRY)
JUDGE

20.12.2023

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- i) Whether speaking/reasoned?
ii) Whether reportable?

Yes/No
Yes/No