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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-54410-2023
Date of Decision: 06.11.2023

Deepak

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Balraj Gujjar, Advocate,
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.196 dated 28.05.2022, under Section 34, 341, 365, 392 IPC, registered at Police Station Kasola, District Rewari.

2. Learned counsel for the petitioner submitted that the petitioner is in custody since 02.11.2022 which is more than 1 year and the material witnesses have already been examined and the trial of the case may take long time. He further submitted that the petitioner has clean antecedents and is not involved in any other case and his name was nominated on the basis of disclosure statement of the co-accused, namely, Radheshyam Hada and Rohit Hadda, who have since been extended the benefit of regular bail on 18.10.2023 vide Annexure P-7. He also submitted that so far as the present petitioner is concerned, he is not involved in any other case and considering

the aforesaid position whereby he has already faced incarceration for more than 1 year and the other co-accused have already been granted regular bail by this Court and the petitioner is not only at parity with the aforesaid co-accused but is also on better footing and therefore, he may also be considered for grant of regular bail.

3. On the other hand, Ms. Harpreet Kaur, AAG, Haryana submitted that so far as the custody of the petitioner is concerned, the same is correct and it is also correct that the aforesaid co-accused, namely, Radheshyam Hada and Rohit Hadda have been extended the benefit of regular bail by this Court vide Annexure P-7. She has not disputed the parity of the petitioner with the aforesaid co-accused and so far as the antecedents of the petitioner are concerned, she submitted that it is also correct that the petitioner is not involved in any other case.

4. I have heard the learned counsel for the parties.

5. It is a case where the petitioner has faced incarceration for more than 1 year and the other co-accused, namely, Radheshyam Hada and Rohit Hadda have been admitted on regular bail by this Court vide Annexure P-7. As per the learned counsels for the parties, the petitioner is at parity with the aforesaid co-accused. The petitioner is stated to be having clean antecedents and is not involved in any other case. Furthermore, it is neither the case of the State nor it has been argued by the learned State counsel that in case the petitioner is released on bail then he may abscond or flee from justice or may influence the witness or may tamper with the evidence. Therefore, considering the aforesaid facts and circumstances, this Court deems it fit and proper to grant regular bail to both the petitioners.

6. Consequently, the present petition is allowed and the petitioner is ordered to be released on bail on furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

06.11.2023

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |