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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-57637-2023
Date of Decision: 21.11.2023

Banti Chauhan

Versus

..... Petitioner

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

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

Mr. Naveen Kumar Sheoran, DAG, 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, 395, 392 & 120-B IPC, registered at Police Station Kasola, District Rewari.

2. Learned counsel for the petitioner submitted that the petitioner is in custody since 15.06.2022 which is more than 1 year and 5 months and submitted that the trial is going on but the other co-accused, namely, Radheshyam Hada, Rohit Hadda, Deepak and Lokendra Jhala have since been extended the benefit of regular bail by this Court vide Annexures P-6 to P-8. He further submitted that the petitioner is at parity with the aforesaid co-accused and considering the aforesaid position whereby he has already faced incarceration for more than 1 year and 5 months and no recovery is to be effected from him, he may also be considered for grant of regular bail.

3. On the other hand, Mr. Naveen Kumar Sheoran, DAG, 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 have been extended the benefit of regular bail by this Court vide Annexures P-6 to P-8. He further submitted that so far as the role of the petitioner is concerned, he was the owner of the canter by which the mobiles were transferred from one container to another. So far as the antecedents of the petitioner are concerned, he submitted that the petitioner is involved in one more 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 5 months and the other similarly situated co-accused, namely, Radheshyam Hada, Rohit Hadda, Deepak and Lokendra Jhala have already been admitted on regular bail by this Court vide Annexures P-6 to P-8. As per the learned counsels for the parties, the petitioner is at parity with the aforesaid co-accused. Now, no recovery is to be effected from the petitioner and the mere pendency of one case against the petitioner cannot become a ground for denial of bail. 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.

21.11.2023
Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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