

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-59988-2022
DECIDED ON: 06.01.2023

HARSH KAMAL ALIAS HAPPY

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Abhimanyu Singh, Advocate for
Mr. Abhinav Kalia, Advocate
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

SANDEEP MOUDGIL, J. (ORAL)

This is a petition seeking regular bail in FIR No. 145, dated 11.06.2022, under Sections 307, 452, 506, 34 of the IPC and Section 25 of the Arms Act, 1959, registered at Police Station Chhachhrauli, District Yamuna Nagar.

Learned counsel for the petitioner contends that it is a case of concocted story by the complainant and in fact the petitioner was not named in the FIR initially, who was subsequently roped in on the basis of disclosure statement of co-accused Harvinder Singh @ Gagan and Amardeep. He has also referred to the order dated 01.08.2022 (Annexure P-4), whereby Harvinder Singh @ Gagan and Amardeep have been granted the concession of regular bail by the Court of Additional Sessions Judge, Yamuna Nagar at Jagadhri. It is also asserted on behalf of the petitioner that the challan has

already been filed, investigation is complete and no recovery is to be effected from the petitioner, who is behind bars since 28.09.2022.

On the other hand, learned State counsel has produced the custody certificate of the petitioner today in Court, which is taken on record. According to the custody certificate, the petitioner is behind bars for the last 3 months and 8 days and the petitioner is involved in two more cases. He submits that none of the witnesses have been examined till date and charges have also not been framed so far.

Looking at the totality of the facts as well as considering the aspect that the co-accused of the petitioner, namely Harvinder Singh @ Gagan and Amardeep have been granted the concession of regular bail vide order dated 01.08.2022 (Annexure P-4) and the conclusion of the trial will take long time, therefore, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate, concerned.

The present petition is, therefore, allowed.

(SANDEEP MOUDGIL)
JUDGE

06.01.2023

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Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*