

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

223

CRM-M-123-2023

Date of Decision: 28.02.2023

Sombir @ Kala

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Govind Chauhan, Advocate for the petitioner.

Mr. Munish Sharma, Assistant Advocate General, Haryana.

ASHOK KUMAR VERMA, J. (ORAL)

Reply dated 24.02.2023 filed by way of affidavit of Sh. Mukesh Kumar, Deputy Superintendent of Police, Karnal-H.Q., on behalf of respondent-State, is taken on record.

The petitioner has filed the present petition under Section 439 Cr.P.C., for grant of regular bail in case FIR No. 1016 dated 01.11.2022 registered under Section 174-A IPC at Police Station Sadar, Karnal.

Briefly, the petitioner was declared as proclaimed person in a complaint case filed under Section 138 of the Negotiable Instruments Act, titled as 'Anil Kumar vs. Sombir @ Kala', vide order dated 25.05.2018 and thereafter, the police had registered the present case against him.

Learned counsel for the petitioner, *inter alia*, contends that

the aforesaid FIR was registered against the petitioner only on the ground that he was declared as proclaimed person in a complaint case vide order dated 25.05.2018. Petitioner was arrested on 01.11.2022 and since then he is in custody. The trial is likely to take long time as till date no prosecution witness has been examined. No useful purpose will be served by further detention of the petitioner in custody. Thus, it is prayed that the petitioner may be released on regular bail.

On the other hand, learned State counsel has vehemently opposed the prayer for grant of regular bail to the petitioner.

Keeping in view the facts and circumstances of the case, nature of accusation and the fact that the trial is likely to take long time, but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and the petitioner-Sombir @ Kala, is ordered to be released on regular bail on furnishing of bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate concerned.

February 28, 2023
rishu

(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned **Yes/No**

Whether Reportable **Yes/No**