

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

222

2024:PHHC:022336

CRM-M-7291-2024

Date of decision: February 16th, 2024

Harish

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Abhishek Goel, Advocate
for the petitioner.

Ms. Trishanjali Sharma, Deputy Advocate General,
Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.649 dated 02.09.2023 under Sections 115, 120-B, 506 of the IPC and Section 25 of the Arms Act, registered at Police Station Kundli, District Sonipat.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner has been in custody since 04.09.2023 in a case of false implication. The inordinate delay of 23 days in the lodging of the FIR from the date of alleged occurrence further lends credence to his false implication. While drawing the attention of this Court to the FIR, which has been annexed as Annexure P-1, it has been asserted by the learned counsel that since one of the assailants, shared the same name as that of the petitioner, he had been nominated as an accused. Learned counsel submits that as per allegations, all the three accused, who went to the shop of the complainant, were armed with pistol and then threatened the complainant at gunpoint. However, it was a matter of record that neither did any of those assailants use the weapon nor did

they loot any amount from the shop of the complainant. It has been further submitted that the petitioner has clean antecedents as he is not involved in any other criminal case. Learned counsel has also submitted that the challan was presented way back on 31.10.2023, however, till date the charges have also not been framed, hence, the possibility of the trial concluding in the near future looks remote as 25 witnesses have been cited by the prosecution.

3. Learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has not disputed that in the case at hand, the only allegations levelled against the petitioner are of having accompanied the co-accused to the shop of the complainant and thereafter, threatening him.

4. On a pointed query put to the learned State counsel as to whether the petitioner has criminal antecedents, she on instructions, has replied in the negative. She on further instructions has informed the Court that the next date fixed before the trial Court is 22.02.2024 when the charges are likely to be framed.

5. I have heard learned counsel for the parties and perused the material placed on record.

6. The investigation in the case at hand is complete as challan also stands presented. The petitioner is not stated to be involved in any other criminal case; the trial would take considerable time to conclude as 25 witnesses have been cited by the prosecution and charges are likely to be framed on 22.02.2024.

7. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is

made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

8. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

February 16th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No