

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3269-2024 (O&M)
DECIDED ON: 29.01.2024

MAYANK

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Ashit Malik, Advocate
for the petitioner.

Mr. Gurbir Singh Dhillon, AAG Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 439 Cr.P.C., seeking regular bail to the petitioner in FIR No.267, dated 02.09.2023, under Sections 379-A, 34 of IPC, 1860, registered at Police Station HSIIDC, Barhi, District Sonapat.
2. Learned counsel for the petitioner contends that it is purely a case of false implication out of vindictiveness by the police, as there was some altercation between the petitioner and police officials three days' prior to the registration of instant FIR and as a result thereof not only this FIR, but other three FIRs were also registered against him within one month.
3. Learned counsel for the petitioner asserts that the petitioner was driving the motorcycle and snatching was not by him and during the investigation, nothing has been recovered from his possession inasmuch as motorcycle also belongs to the wife of other co-accused namely Naveen.

4. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. He could not controvert the fact that within a period of one month four FIRs came to be registered against the petitioner.

5. Be that as it may, considering the fact that the petitioner is in custody since 05.09.2023, wherein charges stands framed on 09.01.2024 and prosecution witnesses are to be examined, no useful purpose would be served by keeping him behind the bars for an indefinite period, which would violate the principle of right to speedy trial and expeditious disposal under Article 21 of Constitution of India.

5. In the light of the above discussions made hereinabove, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

6. The present petition, is hereby allowed.

7. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

(SANDEEP MOUDGIL)
JUDGE

29.01.2024

Meenu

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No