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2024:PHHC:01322

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3736-2024
DECIDED ON: 31st JANUARY, 2024

MAHAKAR

....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Yashpal Thakur, Advocate for
Mr. V.B. Godara, Advocate
for the petitioner.

Mr. G.S. Dhillon, AAG, Haryana.

SANDEEP MOUDGIL, J

1. The jurisdiction of this Court under Section 439 of the Code of Criminal Procedure, 1973, has been invoked for the grant of regular bail to the petitioner in case FIR No. 358, dated 06.10.2014, under Sections 302, 392, 201 and 412 IPC, registered at Police Station Sadar Hansi, District Hisar.
2. Learned counsel for the petitioner contends that it is a case of blind murder and there is no eye witness. He further contends that all the three co-accused namely Sandeep, Vijay Kumar and Gajender have been acquitted by the trial Court vide judgment dated 23.09.2022 (Annexure P-2) passed by learned Additional Sessions Judge, Hisar.
3. Learned State counsel has filed the custody certificate of the

petitioner, which is taken on record. According to which the petitioner has suffered incarceration for a period 05 months and 17 days, as of now. He does not dispute the afore-said fact and on instructions from SI Sumer, submits that the occurrence took place on 06.10.2014 and the petitioner was arrested on 14.08.2023 i.e. after 9 years of occurrence.

4. Considering the fact that the other co-accused have already been acquitted by the trial Court added with the fact that neither any direct evidence nor any incriminating material is available with the prosecution agency against the petitioner, wherein, challan stands presented and charges are yet to be framed meaning thereby, that the trial will take considerable time to conclude, which would also curtail the right of the petitioner for speedy trial and expeditious disposal, as enshrined under Article 21 of the Constitution of India, this Court is of the considered view that the petitioner cannot be detained for an indefinite period.

5. In view of the aforesaid 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 allowed in the afore-said terms.

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.

31st JANUARY, 2024
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(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>