

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-4935-2024
DECIDED ON: 20.02.2024

FIROJ

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Munfaid Khan, 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.94, dated 04.02.2023 (Annexure P-1), under Sections 392, 342, 452, 34 of IPC and Section 25 of Arms Act, registered at Police Station Sector-58, Faridabad, District Faridabad.
2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case by the police merely on account of solving the blind case, while fastening a fake recovery of knife and scooty from the petitioner alongwith Rs.81,000/-, whereas these recoveries were never effected from the petitioner and the same is lying in the bank account, which has been seized.
3. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. He prays for dismissal of the present petition urging that the petitioner was actively involved in the light of recovery of knife and scooty used in the commissioning of offence, therefore, does not deserve the concession of bail.

4. Heard, learned counsel for respective parties.
5. In the instant case, the petitioner has suffered incarceration of 11 months and 29 days. This fact cannot be ignored by this Court that charges were framed on 06.06.2023 and out of total 14 prosecution witnesses, none has been examined so far, which is sufficient indication for this Court for long time to be consumed by the trial Court for conclusion of trial and in such circumstances keeping the petitioner behind bars for an indefinite period would violate the principle of right to speedy trial and expeditious disposal under Article 21 of Constitution of India, as has been time and again discussed by this Court, while relying upon the judgment of the Apex Court passed in *Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131*.
6. In 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.
7. The present petition is hereby allowed.
8. 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

20.02.2024

Meenu

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