

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7835-2024
DECIDED ON: 20.02.2024

NITISH

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Pankaj Nanhera, Advocate and
Mr. Rahul Gautam, Advocate
for the petitioner.

Mr. Gurbir Singh Dhillon, AAG Haryana.

Mr. Deepam Raghav, Advocate for the complainant.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked for the 2nd time under Section 439 Cr.P.C., seeking regular bail to the petitioner in FIR No.241, dated 28.12.2021 (Annexure P-1) under Sections 302, 148, 149, 120-B of IPC, 1860 and Section 25 of Arms Act, 1959, registered at Police Station Dhauj, District Faridabad.
2. Learned counsel for the petitioner submits that though there is a vague allegation qua attack with the sharp edged weapon, but it is a case, where no specific injury has been attributed to the present petitioner. He has placed reliance upon the orders dated 12.05.2023 and 29.01.2024 (Annexures P-3 & P-4 respectively) passed in CRM-M-18986-2023 & CRM-M-30173-2023 respectively by this Court vide which the co-accused persons namely Sonu @ Bhura and Arjun have been granted the concession of bail.

3. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record.

4. Looking into the totality of facts and circumstances of the case, wherein the petitioner has already suffered incarceration of 1 year, 5 months and 7 days and is not involved in any other case, as is evident from the custody certificate, meaning thereby he is a person of clean antecedents and the fact that co-accused persons have already been granted the concession of regular bail by this Court added with the fact that conclusion of trial shall take sufficient time, as out of total 34 prosecution witnesses, none has been examined so far after framing of charges on 09.02.2023, no useful purpose would be served by keeping the petitioner behind 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, 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.***

5. 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.

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

20.02.2024

Meenu

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