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2024:PHHC:026106

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

**CRM-M-9229-2024
DECIDED ON:26.02.2024**

NAVEEN

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Vinay Singh Rathee, Advocate
for the petitioner.

Mr. Gurbir Singh Dhillon, AAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court under Section 439 Cr.P.C. has been invoked for the grant of regular bail to the petitioner in case FIR No. 267, dated 02.09.2023, under Sections 34 and 379-A IPC, registered at Police Station HSIDC Barhi, District Sonipat.

2. Learned counsel for the petitioner has contended that it is a case of false implication as neither the petitioner has been named in the FIR nor any recovery has been effected from his possession. There is two days delay in lodging the FIR, as the occurrence took place on 31.08.2023 and the present case has been registered on 02.09.2023. Moreover, the co-accused of the petitioner namely Mayank has already been granted the concession of regular bail by this Court vide order dated 29.01.2024 (Annexure P-3) passed in CRM-M-3269-2024.

3. On the other hand learned State counsel has produced the custody certificate of the petitioner, which is taken on record. He prays for dismissal of the present petition stating the case of the petitioner is not at par with co-accused namely Mayank, who has been granted the concession of regular bail by this Court considering the argument raised therein, reflecting the petitioner to be the main accused from whom actually the recovery of motorcycle has been effected.
4. Be that as it may considering the fact that the petitioner has suffered incarceration for a period of 5 months and 19 days as of now wherein, charges stands framed on 09.01.2024 and out of total 12 prosecution witnesses none has been examined so far, meaning thereby, the conclusion of trial would take considerable time added with the fact that vehicle involved in the present case does not belong to the petitioner, this Court is of the considered opinion that no fruitful purpose would be served by detaining the petitioner behind the bars for an indefinite period, which would curtail the right of the petitioner for speedy trial and expeditious disposal, as envisaged under Article 21 of the Constitution of India.
5. In view of the discussions made hereinabove, the petitioner is directed to be released of regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.
6. In the afore-said terms, 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.

26.02.2024
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(SANDEEP MOUDGIL)
JUDGE

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