

219

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-10032 of 2024
Date of Decision: 29.02.2024

Sahil

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Aniket Chauhan, Advocate for the petitioner.
Mr. G.S. Chhina, AAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

This is a petition seeking regular bail to the petitioner in FIR No.973, dated 18.11.2023, under Sections 148, 149, 323 and 506 of the IPC, 1860, registered at Police Station Karnal City, District Karnal.

Learned counsel for the petitioner submits that the allegations in the instant FIR qua the present petitioner are totally vague from whom niether any recovery of weapon has been effected nor any direct injury has been attributed to him and as such, there is no incriminating role assigned to the present petitioner for implicating him in the FIR in question. He in support of his assertions, also refers to the statement of the co-accused Raj Kumar dated 04.12.2023 (Annexure P-7) wherein the accused had admitted that he along with the petitioner had hit on Mohan’s head with a vegetable cutting knife, which was subsequently got recovered.

Learned State counsel, on the other hand, has produced the copy of the custody certificate, which is taken on record and he does not dispute the submissions made by learned counsel for the petitioner.

In the light of above, since nothing is attributed to the present petitioner except accompanying the co-accused Raj Kumar and the fact that the investigation is already complete and challan stands presented on 23.01.2024 and conclusion of trial shall take sufficient long time and no useful purpose would be served by keeping the petitioner behind the bars for uncertain period, wherein bail is a rule and jail is an exception and it would also 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 realising the judgment of the Apex Court passed in *Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131.*

In view of the above, petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, concerned.

The present petition is, hereby, allowed.

29.02.2024
D.Bansal

(SANDEEP MOUDGIL)
JUDGE

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