

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-11781-2024

Date of Decision: 12.3.2024

Brijpal @ Birju

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. G.C.Shahpuri, Advocate
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana

KARAMJIT SINGH, J.

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.246 dated 20.10.2020 registered for the offences punishable under Sections 392, 394 IPC (Sections 395, 342, 201 IPC added later on) at Police Station Bilaspur, District Yamuna Nagar.

2. As per allegations appearing in the FIR, some unknown persons entered *Ashram* managed by the complainant on the night intervening 19/20.10.2020 and attacked inmates of said *Ashram* and also took away two gold rings and cash worth ₹ 20,000/-. Subsequently, the petitioner was nominated as accused in the year 2023 and arrested on 18.4.2023 and ₹ 400/- were recovered from his possession at the time of his arrest.

3. Counsel for the petitioner, *inter alia* submits that FIR in this case was registered against unknown persons in October, 2020 whereas the petitioner was named as accused after gap of about 2 years and 6 months

and at that time, the petitioner was already in custody in some other case and was arrested in the present case on 18.4.2023 after getting his production warrants. Counsel for the petitioner further submits that in the present case, no test identification parade was conducted and it will take considerable time for the trial to conclude. So, prayer is made that the petitioner be released on regular bail.

4. Present petition is resisted by the State counsel who on instructions from ASI Lakhwinder Singh, submits that during investigation, it was revealed that the petitioner was also involved in the incident which took place on the night intervening between 19/20.10.2020 and subsequently, arrested on 18.4.2023 and is presently lodged in judicial custody and that the trial is going on. State counsel further submits that as per custody certificate, the petitioner is involved in one another case of similar nature wherein he is already enlarged on bail.

5. I have considered the submissions made by the counsel for the parties.

6. Admittedly, FIR in this case was registered against unknown persons with regard to incident which took place on the night intervening between 19/20.10.2020. The petitioner was named as accused only in the year 2023 and thereafter, arrested on 18.4.2023 and no incriminating article except for cash worth ₹ 400/- was recovered from possession of the petitioner who is in custody for the last more than 10 months and it will take considerable time for the trial to conclude as the same is at its initial stage. It appears that no test identification parade was conducted in the present case. In the given circumstances, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

7. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

March 12, 2024
Paritosh Kumar

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