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

CRM-M-11917-2024 (O&M)
Date of Decision : 03.07.2024

Mukesh

.....Petitioner(s)

VERSUS

State of Haryana

.....Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Jagjeet Beniwal, Advocate for the petitioner.

Mr. Jagdish Manchanda, Addl. AG Haryana.

ALKA SARIN, J. (Oral)

1. This is the first petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.08 dated 05.01.2021 under Sections 148, 149, 323, 325, 307, 459 and 506 of the Indian Penal Code, 1860, registered at Police Station Tosham, District Bhiwani.

2. Learned counsel for the petitioner would contend that in the present case there were nine accused initially. After investigation, three accused were found to be innocent. One co-accused namely Rajesh Kumar @ Raju was granted the concession of anticipatory bail by this Court in CRM-M No.24590 of 2021 vide order dated 14.12.2022, who was also attributed a head injury to the victim. It is further the contention that four other co-accused against whom similar allegations were made have been

granted the concession of regular bail. It is further the contention that the petitioner has already been in custody for a period of 09 months and 22 days and that out of 26 witnesses 21 are yet to be examined.

3. Learned State counsel has filed the custody certificate and as per the custody certificate the petitioner has already been in custody for a period of 09 months and 22 days and there are other cases pending against him. However, he is on bail in all the three cases. Learned State counsel is not in a position to deny the fact that Rajesh Kumar @ Raju against whom similar allegations were made has been granted the concession of anticipatory bail by this Court vide order dated 14.12.2022 and four of the other co-accused are on regular bail.

4. Heard.

5. In the present case, similar allegations were made against co-accused Rajesh Kumar @ Raju by the victim wherein he was attributed head injury and Rajesh Kumar @ Raju was granted the concession of anticipatory bail vide order dated 14.12.2022 passed in CRM-M No.24590 of 2021. Four of the other co-accused have since been granted regular bail. Three of the co-accused were found to be innocent. Out of 26 witnesses, 21 are yet to be examined. As per the custody certificate, the petitioner has been in custody for a period of 09 months and 22 days. Though there are other cases pending against the petitioner however he is on bail in all the three cases. The trial is likely to take some time to conclude and no useful purpose would be served by keeping the petitioner behind the bars any further.

6. In view of the above and without commenting upon the merits of the case and keeping in view the fact that the conclusion of trial is likely to take some time and no useful purpose would be served by keeping the

petitioner behind bars, I deem it to be a fit case to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the Trial Court/Additional Sessions Judge (Duty) concerned.

7. However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

8. It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

9. Disposed off. Pending applications, if any, also stand disposed off.

03.07.2024
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO