2024:PHHC:076499

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-13328-2024
Date of decision:28.05.2024

Suhail @ Kinnu ….Petitioner.

Versus

State of Haryana ....Respondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Kapil Aggarwal, Advocate,
for the petitioner.

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SANJIV BERRY, J. (ORAL)

Custody certificate dated 27.05.2024 filed by learned State counsel in Court today is taken on record.

2. Instant petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR (Annexure P-1). Details of the FIR are as under: -

FIR No.	Dated	Sections	Police Station
217	24.05.2023	384, 387, 506, 120-B IPC and 25(6) of Arms Act	Tehsil Camp, District Panipat

3. It is, *inter alia,* contended by learned counsel for the petitioner that the petitioner is innocent having no concern with the alleged transaction and has been falsely implicated in this case. He contends that the petitioner is in custody since 28.05.2023 and challan

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has already been presented in the Court. He contends that the petitioner is not alleged to have caused any injury to the complainant nor any specific *overt act* has been attributed to him. Hence, he prays for grant of bail.

4. On the other hand, learned State counsel, by referring to the reply dated 06.04.2024 submitted by the police has assailed the arguments by submitting that the petitioner has participated in the crime and as such deserves no concession of bail. He submits that challan has since been presented in the Court of Illaqa Magistrate after completion of investigation and no other criminal case is registered against the petitioner.

5. Considering the respective arguments, it transpires that the petitioner was arrested in this case on 28.05.2023 and after completion of investigation challan has since been presented in the Court and as per the custody certificate (*supra*), the petitioner is not having any other criminal case registered against him. The conclusion of trial to ascertain the criminal liability, if any, of the petitioner, will take sufficient long time; no recovery has been effected from the petitioner, therefore, considering all the facts and circumstances of the case and without commenting on the merits thereof, instant petition is allowed and the petitioner is ordered to be released on bail on his furnishing surety bonds/bail bonds to the satisfaction of Trial Court/Duty Magistrate.

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6. The petitioner shall give the undertaking that he will not leave the country without prior permission of the Court; will regularly appear before the Trial Court on each and every date; in case of some exigency, he will seek prior permission of the concerned Court qua his exemption to appear on the date fixed and he will not tamper with evidence of prosecution in any manner.

7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

8. Petition stands allowed.

(SANJIV BERRY)
JUDGE

28.05.2024
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i) Whether speaking/reasoned? Yes/No

ii) Whether reportable? Yes/No

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