

CRM-M-15495-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-15495-2024

Date of decision: 22.05.2024

Deenu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Munfaid Khan, Advocate for the petitioner.

Mr. Neeraj Sheoran, DAG, Haryana.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 439 Cr.P.C. seeking grant of regular bail in case having FIR No.185 dated 03.08.2008, under Sections 307, 332, 353, 186, 420, 467, 468, 471 of IPC and Sections 2, 3, 5 and 8 of Cattle Trespass Act and Section 25 of Arms Act, at Police Station Sector 31, District Faridabad.

2. The allegations in nutshell are that petitioner and other accused persons were transporting cattle for the purpose of slaughtering and the said vehicle was escorted by two other vehicles and petitioner was traveling in one of the said vehicle and the accused persons fired at the police party and the petitioner escaped from the spot while the vehicle loaded with cattle was apprehended by the police at the spot. The petitioner was later on declared as proclaimed offender by the Court concerned. Thereafter he was arrested in the present case on 18.12.2023 and is lodged in judicial custody.



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3. Counsel for the petitioner submits that the petitioner is falsely implicated in the present case and is in custody for the last more than 5 months and is facing one another criminal case wherein also he is in custody. It is further submitted that recoveries are already effected and on completion of investigation, police presented challan but the trial is at its initial stage and it will take time for the trial to conclude.

4. The State counsel on instructions from ASI Raj Narayan submits that at the time of occurrence, petitioner and other accused indulged in firing at the police party and thereafter, the petitioner managed to escape and in the said firing, one police official was got injured. However, the State counsel has not disputed the fact that now petitioner is in custody for the last more than 5 months and that the trial is at its initial stage.

5. As per the short reply filed by way of an affidavit of Shailendra Singh, Assistant Commissioner of Police, Sarai, Faridabad on behalf of the State, five co-accused who faced trial were already acquitted by the trial Court in this very case vide order dated 24.11.2009 and that even other accused persons were also subsequently, acquitted by the trial Court.

6. In light of the fact that the other co-accused who faced the trial stand acquitted and that the petitioner is in custody for the last more than 5 months and further the trial is at its initial stage, no purpose is going to be served by keeping the petitioner in custody for any longer 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

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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.

22.05.2024
Yogesh

(KARAMJIT SINGH)
JUDGE

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