



217 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-25093-2024
DECIDED ON:29.05.2024

ANAND NAT

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Punit Malik, Advocate
for the petitioner.

Mr. Chetan Sharma, DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court under Section 439 Cr.P.C., has been invoked seeking regular bail to the petitioner in case FIR No. 5, dated 08.01.2022, under Section 370(5), 34 IPC (Section 81 of Juvenile Justice Care and Protection of Children Act, 2015 added later on), registered at Police Station DLF Phase-III, Gurugram, District Gurugram.

2. Learned counsel for the petitioner submits that the petitioner has no connection whatsoever in any manner with the complainant except the bald allegation with regard to the fact that he agreed to adopt a girl child and that suspicion has also been concocted in the light of the fact that the petitioner is having three male child and claims to be at parity with his co-accused namely Srikant who has already been granted the concession of regular bail by this Court vide order dated 28.02.2024 passed in CRM-M-9325-2024 (Annexure P-9).

3. Learned State counsel has filed the custody certificate of the petitioner which is taken on record. He does not controvert the afore-said fact.

4. Be that as it may, considering the fact that the petitioner has suffered incarceration of 2 years, 4 months and 6 days and five other co-accused on similar set of allegations have already been released on bail by the trial Court added with the fact that conclusion of trial shall take sufficient time, as out of total 46 prosecution witnesses, only 5 have been examined after framing of charges on 06.08.2022, no useful purpose would be served by keeping the petitioner behind bars for an uncertain period, which would amount to infringement of his right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle “*bail is a rule and jail is an exception*”, as has been time and again discussed by this Court, while relying upon the judgment of the Apex Court passed in ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131.***

5. In light of the above discussions made hereinabove, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

6. The present petition is hereby allowed.

7. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

29.05.2024

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(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No