

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARHCRM-M-33870 of 2023(O&M)
Date of Decision: 14.02.2024

Sukhchain @ Sukha

...Petitioner

Versus

State of Haryana

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. G.S. Brar, Advocate
For the petitioner.

Mr. Vishal Kashyap, DAG Haryana.

KARAMJIT SINGH, J.

1. The present petition has been filed by the petitioner seeking grant of regular bail in criminal case having FIR No. 130 dated 16.05.2023, registered under Sections 399 and 402 IPC at Police Station Sadar Ratia, District Fatehabad.

2. The allegations in nutshell are that on 16.05.2023 police officials received secret information that 5-6 young persons having one Swift Desire car and motor cycle, armed with weapons were present in the area of bridge of Rangoi Nala, Bhuna road, Ratia (Fatehabad) and were trying to rob passers-by. On the basis of the said secret information, the police officials who concealed their identity by covering their uniform with clothes reached the disclosed place where three persons each on both sides armed with sticks, swords etc. were found present and they surrounded the vehicle of police officials and one of them pointed a pistol towards the driver of the vehicle. All the six boys were apprehended at the spot and one who was holding torch in his hand disclosed his name as Mandeep @ Kalu. The

other boys including the petitioner also disclosed their identity and one

wooden stick was recovered from possession of the petitioner while toy pistol, a *gandasi* and wooden sticks were recovered from another accused persons

3. The counsel for the petitioner submits that the petitioner is falsely named in the present case and the alleged recoveries are already effected and the petitioner is in custody for the last more than 08 months and that the trial is not progressing ahead. It is further pleaded that the petitioner be released on regular bail.

4. The State counsel on instructions from SI Mahavir, while resisting the present petition submits that the petitioner and other accused persons were apprehended by the police officials, while they were planning to rob passers-by and at that time the accused were armed with different weapons and one of them was having torch and another was carrying toy pistol. It is further submitted that one wooden stick was recovered from possession of the petitioner. However, the State counsel has not disputed the fact that the petitioner is in custody for the last about 09 months and that the trial is going at a very slow pace.

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

6. In the instant case recoveries are already effected and the petitioner is in custody for the last about 09 months and petitioner is presently lodged in judicial custody. After completion of investigation, police presented challan, charges were also framed and now trial is going on and till date prosecution is able to examine only one witness out of total 12 witnesses. It will take considerable time for the trial to conclude. In the

given circumstances, no purpose is going to be served by keeping the petitioner in custody for any longer period, even if he is involved in some other theft cases.

7. In light 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 bail subject to his furnishing of bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

14.02.2024

Jiten

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No