



CRM-M-35479-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(213)

CRM-M-35479-2024
Date of Decision : 11.11.2024

Deepak ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. R.K. Lathwal, Advocate
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition, filed under Section 439 of Cr.P.C., the petitioner craves for indulgence of this Court for being enlarged him on regular bail, in case FIR No.116, dated 28.03.2019, under Sections 186, 353, 307 and 34 of the IPC, and under Section 25 of the Arms Act, registered at Police Station Dharuhera, District Rewari.

ALLEGATIONS AGAINS THE PRESENT PETITIONER

2. The case as set up by the prosecution, against the present petitioner is that, the petitioner is a habitual offender and he along with other co-accused, is about to commit some heinous offence. On the basis of secret information, as received by the investigating agency, a raid was conducted. It is the story of the prosecution that during the raid, there was an exchange of gunshots between the accused and the police party.

3. As per the prosecution story, the petitioner was arrested from the spot, with a 9 mm pistol with one live cartridge, and currency notes

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amounting to Rs.49,70,000/- was also recovered from a car make Hyundai Xcent. One empty and one live cartridge was also recovered from the petitioner.

SUBMISSIONS OF LEARNED COUNSEL FOR THE PETITIONER

4. Learned counsel for the petitioner submits that the petitioner is behind the bars since 28.03.2019, in the instant FIR, and the trial is moving at snail's pace.

5. He further submits that though in the FIR Section 307 of the IPC, has been incorporated, however, it is a case, where no one suffered any gunshot injury. Therefore, considering the period of incarceration as suffered by the petitioner, he may be released on regular bail. In addition, learned counsel for the petitioner submits that the other co-accused, have already been extended the relief of regular bail, by this Court, vide orders dated 04.08.2023 and 23.01.2024, passed in CRM-M-36947-2023 and CRM-M-29696-2023 (Annexures P-2 and P-3), respectively.

SUBMISSIONS OF THE LEARNED STATE COUNSEL

6. Learned State counsel, on instructions imparted to from the quarter concerned, has strongly opposed the grant of regular bail to the petitioner, and informs this Court that challan was presented on dated 21.05.2019, and charges were framed in the FIR (supra), on dated 08.11.2019, and the prosecution has cited total 24 witnesses in the final report and four prosecution witnesses have been examined, as on date.

7. Learned State counsel, also placed on record the custody certificate dated 09.11.2024, qua the petitioner, today in the Court. The same is taken on the record.



8. This Court has examined the rival submissions made by the learned counsel for the parties concerned, and has gone through the record as well.

9. Perusal of the custody certificate, reflects that the petitioner has suffered actual incarceration of more than 05 years and 07 months, as on date.

DECISION

10. It is apt to note here that though the petitioner is stated to be involved in 10 other FIRs, however, considering the period of incarceration suffered by the petitioner i.e. about 05 years, 07 months and 06 days, as on today, and the stage of the trial, this Court, is of the considered view that the instant petition is amenable to be allowed, and the pendency of such like cases, would not take away the rights of the petitioner, to get speedy disposal of trial.

11. In view of the above, the instant petition is **allowed**. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate/trial Court/Duty Magistrate, concerned.

12. However, anything observed hereinabove shall have no effect on the merits of the case and is meant for deciding the present petition only.

(KULDEEP TIWARI)
JUDGE

November 11, 2024
Manpreet

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