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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M- 35166-2024
Date of decision:-27.11.2024

ABHISEK @ ABHI
... Petitioner

Versus

STATE OF HARYANA
... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr.Arshdeep Singh, Advocate for the petitioner.
Mr. Surender Singh, AAG, Haryana.

SANJIV BERRY, J.(ORAL)

Learned State counsel has filed reply by way of affidavit dated 17.09.2024 of Deputy Superintendent of Police, Samalkha, Panipat, alongwith custody certificate dated 26.11.2024 the same are taken on record. Copies thereof, have been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 439 Criminal Procedure Code, for grant of regular bail in the following case (Annexure P-1:-

FIR No.	Dated	Sections	Police Station
211	07.12.2023	148, 149, 323, 325, 341 & 506 IPC (307 IPC added later on)	Bapoli, District Panipat

3. Arguments heard.

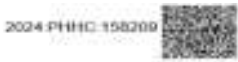
4. It is *inter alia* contended by learned counsel for the petitioner



that the petitioner is innocent and has been falsely implicated in this case. He contends that no specific overt act is attributed to the petitioner and even petitioner was not named in the FIR but was nominated on the disclosure statement of co-accused Sanspal with whom petitioner has no concern. Consequently petitioner was arrested on 27.04.2024 and recovery of weapon (danda) that too, after long lapse of the alleged date of occurrence having no connection with the petitioner was effected. After completion of investigation challan has already been presented in Court, as such petitioner is not required for further investigation. Hence he prays for grant of bail to the petitioner.

5. *Per contra*, learned State counsel referring to the reply submitted by the State has opposed the bail application by arguing that the petitioner had actively participated in the occurrence, as such he is not entitled for bail. However, he has not disputed the fact that after completion of investigation, challan has been presented in Court wherein prosecution has cited 20 witnesses and none of them have been examined till date.

6. After considering the rival contentions and perusing the record, it transpires that petitioner was not named in the FIR but was nominated on the disclosure statement of co-accused Sanspal and consequently arrested on 27.04.2024 and alleged recovery of danda was effected from him. Admittedly, no other criminal case is registered against the petitioner and after completion of investigation, challan has been presented in Court wherein prosecution has cited 20 witnesses and none of them have been examined till date. Therefore, the conclusion of trial, to ascertain criminal liability, if any, of the petitioner in the present case will take sufficient long



time.

7. In these circumstances, without commenting on the merits of the case, it is observed that no purpose would be served by keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.
8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

27.11.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |