

NITESH @ RAHUL

... Petitioner

Versus

STATE OF HARYANA

... Respondent

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

Present:- Mr. Rajwant Singh, Advocate for the petitioner.

Mr. Ramender Singh Chauhan, AAG, Haryana.

Mr. Rahul Chauhan, Advocate for the complainant.

SANJIV BERRY, J.(ORAL)

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

FIR No.	Dated	Sections	Police Station
564	18.07.2023	148, 149, 323, 325, 341, 379-B, 506 (306 IPC deleted later on)	City Yamuna Nagar, District Yamuna Nagar.

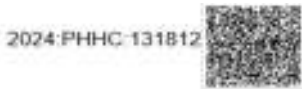
2. Arguments heard.
3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case and is in custody since 25.08.2023. He submits that the petitioner is not involved



in the occurrence but has been falsely implicated in this case. He further contends that possible recovery has already been effected and the challan has since been presented in court for trial, wherein none of the witness out of 15 witnesses have been examined till date. He submits that the petitioner is not having any criminal antecedents. Hence he prays for grant of bail to the petitioner.

4. *Per contra*, learned State counsel referring to the reply submitted by the State has submitted that the petitioner alongwith other co-accused had caused injuries to the complainant and also snatched his gold chain, as such the petitioner is not entitled to concession of bail. However he has admitted that challan has already been presented in Court wherein 15 witnesses have been cited and till date none of them have been examined

5. After considering the rival contentions and perusing the record, it transpires that as per allegations in the FIR the petitioner alongwith other co-accused had given beatings to the complainant and alleged to have snatched the gold chain of the complainant. The petitioner was arrested on 25.08.2023 and since then he is in custody. After completion of investigation, challan has already been presented in court and prosecution has cited 15 witnesses but till date none has been examined. No specific overt has been attributed to the petitioner regarding his alleged participation in the occurrence. The conclusion of trial, to ascertain criminal liability, if any of the petitioner in the present case, will take sufficient long time. Admittedly the petitioner is not having any criminal antecedents and as such detaining him any longer will not serve any purpose.



6. 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.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

03.10.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |