

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-49678-2023
DECIDED ON: 01.02.2024

ASHISH

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Rohit Mittal, Advocate
for the petitioner.

Mr. Gurbir Singh Dhillon, AAG Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 439 Cr.P.C., seeking regular bail to the petitioner in FIR No.242, dated 07.06.2022, under Sections 325, 342, 379-B, 377, 511 and 120-B of IPC, 1860 (Sections 379-B, 342, 325 and 394 of IPC has been dropped and Sections 365, 387, 395 and 201 of IPC has been invoked), registered at Police Station DLF, Sector 29, Gurugram (Annexure P-1).
2. Learned counsel for the petitioner submits that the petitioner was not named in the FIR and neither any recovery was effected from his possession nor any injury has been attributed to him.
3. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. A copy of the same has also been furnished to the counsel for the petitioner. He submits that complainant is stated to have been turned hostile, as is evident from the statement recorded on 08.08.2023 (Annexure P-3) of the

complainant namely Rakesh Kumar s/o Chet Ram, who appeared in the witness box as PW1.

4. Be that as it may, considering the fact that the complainant himself turned hostile, there are probabilities of earning acquittal by the petitioner, who has already suffered incarceration of 1 year, 7 months and 21 days, as is evident from the custody certificate and on that account, it would be totally unjust and unfair to keep the petitioner behind the bars till the conclusion of trial.

5. In the light of above, 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.

(SANDEEP MOUDGIL)
JUDGE

01.02.2024

Meenu

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>