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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-50239 of 2023

Date of decision:- 09.02.2024

SABPREET @ SABI

... Petitioner

Versus

STATE OF HARYANA

... Respondent

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

Present:- Mr. G.C. Shahpuri, Advocate
for the petitioner.

Mr. Vishal Malik, DAG, Haryana.

SANJIV BERRY, J. (ORAL)

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

FIR No.	Dated	Sections	Police Station
413	17.05.2022	302, 392, 397, 120-B, 201, 216-A, 412, 379, 411 IPC and 25/29-B of Arms Act	Yamuna Nagar City, District Yamuna Nagar.

2. It is *inter alia* contended by learned counsel for the petitioner that the petitioner has no involvement in the alleged crime and has been falsely implicated in this case. He contends that neither any injury is

attributed to the petitioner nor any participation in crime is reflected in this case. The petitioner is in custody since 01.07.2022 and the challan has already been presented in Court, as such he prays for grant of concession of bail.

3. Per contra learned counsel for the State by referring to the reply dated 12.01.2024 has assailed the version of the petitioner by arguing that there is allegation on petitioner of having conducted recce of the victim and an amount of ₹1,00,000/- was paid to the petitioner out of looted amount. He submits that no injury is attributed to the petitioner and out of 41 witnesses cited by the prosecution none of them have been examined as of now.

4. After considering the arguments and perusing the record, admittedly in the present case the allegations against the petitioner is that he had conducted recce of the victim and no injury is attributed to the petitioner and he was infact named in the disclosure of co-accused Sarabjit. The petitioner is in custody since 01.07.2022 and the trial has commenced wherein none of the 41 witnesses cited by the prosecution have been examined. The conclusion of trial to ascertain criminal liability if any of the petitioner will take sufficient long time and no purpose would be served by keeping petitioner behind bars any longer.

5. Resultantly, without commenting on the merits of the case, it is observed that no purpose would be served in 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/Duty Magistrate 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.

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

(SANJIV BERRY)
JUDGE

09.02.2024

Gyan	i)	Whether speaking/reasoned?	Yes/No
	ii)	Whether reportable?	Yes/No