

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-50609-2023
Date of decision: 13.02.2024

AKHILESH TIWARI

....Petitioner.

Versus

STATE OF HARYANA

...Respondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Vikas Kumar, Advocate for the petitioner.
Mr. Vishal Malik, Deputy Advocate General, Haryana.
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SANJIV BERRY, J. (ORAL)

1. Custody certificate dated 12.02.2024 filed in Court today.
The same is taken on record. Copy thereof has been supplied to the opposite counsel.
2. Instant petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR as under: -

FIR No.	Dated	Sections	Police Station
98	23.03.2016	406, 420, 467, 468, 471 and 120-B of IPC	Sushant Lok, Gurugram, District Gurugram.

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. He contends that the petitioner is in custody since

23.03.2023 and challan has already been presented in this case which is triable by the Court of Magistrate. He, as such, prays for grant of regular bail to the petitioner.

4. *Per contra*, learned State counsel, referring to the reply dated 06.01.2024, filed in the form of affidavit of Commissioner of Police, Gurugram, submits that the challan has already been presented.

5. Considering the respective arguments and perusing the record, it transpires that the petitioner is in custody since 23.03.2023, charges have been framed and challan presented in this case. The conclusion of trial, which is triable by the Magistrate will take sufficient long time and in these circumstances, it is observed that no purpose would be served in detaining the petitioner in custody any longer to face the incarceration till the conclusion of trial.

6. Accordingly, without commenting on the merits of the case, instant petition is allowed and the petitioner is ordered to be released on bail on his furnishing surety bonds/bail bonds to the satisfaction of the trial Court/Duty Magistrate.

7. The petitioner shall give the undertaking that he will not leave the country without prior permission of the Court; will regularly appear before the trial Court on each and every date; in case of some exigency, he will seek prior permission of the concerned Court qua his exemption to appear on the date fixed and he will not tamper with evidence of prosecution in any manner.

8. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

9. Petition stands allowed.

13.02.2024
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(SANJIV BERRY)
JUDGE

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