

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-50788-2023
Date of decision: 13.02.2024

Sunil

....Petitioner.

Versus

State of Haryana

...Respondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Kapil Aggarwal, Advocate,
for Mr. Ajay Kadyan, Advocate,
for the petitioner.

Mr. Vishal Malik, DAG, Haryana.

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SANJIV BERRY, J. (ORAL)

1. 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 (Annexure P-1). Details of the FIR are as under: -

FIR No.	Dated	Sections	Police Station
217	24.05.2023	384, 387, 506, 120-B IPC and 25(6) of Arms Act	Tehsil Camp, District Panipat

2. 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 further contends that the petitioner has no concern with the alleged transaction and the petitioner is in custody since 28.05.2023. He further contends that challan has already been presented in the Court and as per the allegations levelled in the

prosecution case, the petitioner had gone to the shop of the complainant but had neither taken any amount nor caused any injury to the complainant. As such, he prays for grant of regular bail.

3. *Per contra*, learned State counsel, referring to the reply dated 16.12.2023 submitted by the Deputy Superintendent of Police, City Panipat, has assailed these arguments and submitted that the petitioner has actually participated in the crime and as such, he deserves no concession of bail. He, however, admitted that after completion of investigation challan has been presented in the Court and has also placed on record custody certificate dated 12.02.2024, the same is taken on record.

4. After considering the rival contentions and perusing the record, admittedly, the petitioner is in custody since 28.05.2023 and challan has already been presented in the Court, meaning thereby, the petitioner is not required for further investigation of the case; the conclusion of the trial to ascertain the criminal liability, if any, of the petitioner, will take sufficient long time; no recovery has been effected from the petitioner, therefore, considering all the facts and circumstances of the case and without commenting on the merits thereof, 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 Trial Court/Duty Magistrate.

5. 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.

6. 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.

7. 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 |