



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-51639-2024

Date of decision: 13.12.2024

Raja

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Balraj Gujjar, Advocate and
Mr. Pardeep Balyan, Advocate for the petitioner.

Mr. Karan Garg, AAG, Haryana.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 483 of BNSS 2023 seeking grant of regular bail in a criminal case having FIR No.868 dated 06.12.2023, under Sections 379-B and 34 IPC and Section 395/397 were added later on, at Police Station Kundli Sonipat, District Sonipat.

2. The allegations in nutshell are that on 15.12.2023 at about 10 PM, when Manoj son of complainant was coming back to his house from the side of his shop, he was intercepted by 2/3 boys and one of them gave iron rod blow on head of Manoj and they also snatched cash worth Rs.1.5 lacs approximately from him and then the said boys fled away from there. During investigation, the petitioner was arrested.

3. The counsel for the petitioner inter alia submits that the FIR in this case was registered against unknown persons and subsequently, petitioner was falsely nominated as accused and is in custody for the last 11 months. It is further submitted that the material witnesses are already examined but it will take time for trial to conclude and thus, no purpose is going to be served by keeping the petitioner in custody for any longer



period.

4. The present petition is resisted by the State counsel who submits that during investigation, the petitioner was named as an accused on the basis of the evidence collected by the police and thereafter, the petitioner was arrested. The State counsel on instructions from ASI Mahavir has not disputed the fact that the complainant and his son are examined during trial and the prosecution has examined only two witnesses out of total 17 witnesses.

5. I have considered the submissions made by counsel for the parties.

6. Admittedly, the FIR in this case was registered against unknown persons and subsequently, the petitioner was nominated as accused and his arrest was made. The petitioner is in custody for the last more than 11 months. During trial, complainant and his son Manoj are examined. So, there is no apprehension that in case, the petitioner is released on bail, he is going to influence both the said material witnesses. Admittedly, it will take time for the trial to conclude as till date, prosecution is able to examine only two witnesses out of total 17 witnesses.

7. In light of the above, this Court is of the view that no purpose is going to be served by proloing the judicial custody of the petitioner.

8. Accordingly, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

13.12.2024

Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No