

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-57649-2023
Date of decision: 21.02.2024

Ajay Kumar @ Ricky....Petitioner.

Versus

State of Haryana....Respondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Amit Kumar Goyal, Advocate,
for the petitioner.

Mr. Vishal Malik, DAG, Haryana.

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SANJIV BERRY, J. (ORAL)

1. Custody certificate dated 20.02.2024 filed in Court today is taken on record.
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 (Annexure P-1). Details of the FIR are as under: -

FIR No.	Dated	Sections	Police Station
346	12.11.2022	379-B IPC	Bahalgarh, District Sonipat

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 which was registered against the unknown persons. The petitioner has no concern with the said occurrence and is in custody since 12.11.2022. He contends that challan has already been presented

in the Court and no overt act has been attributed to the petitioner. He further contends that the conclusion of trial will take sufficient long time. As such, he prays for grant of bail to the petitioner, who is not having any criminal antecedents.

4. *Per contra*, learned State counsel, has opposed the concession of bail to the petitioner by submitting that the allegations levelled against the petitioner are serious in nature. As such, he does not deserve concession of bail, however, he submitted that out of 10 witnesses cited by the prosecution, only 04 witnesses have been examined till date. He also admitted that there is no other criminal case registered against the petitioner nor any injury has been attributed to him in the occurrence.

5. Considering the rival contentions and perusing the record, it transpires that the petitioner is in custody since 12.11.2022; after completion of investigation in the case, challan has already been presented in the Court; the prosecution has cited 10 witnesses out of which, only 04 witnesses have been examined till date. In this manner, considering the pace of trial which will take sufficient long time to ascertain the criminal liability, if any of the petitioner; the petitioner is not facing any other criminal case nor any injury is attributed to him, therefore, in these circumstances, no purpose would be served in detaining the petitioner in custody any longer. 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 Trial Court/Duty Magistrate.

6. 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.

7. 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.

8. Petition stands allowed.

21.02.2024
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(SANJIV BERRY)
JUDGE

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