

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-61478-2023
Date of decision: 18.03.2024

AMANDEEP GODAN @ AMARJEET PETITIONER

VERSUS

STATE OF HARYANA RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Balraj Gujjar, Advocate for the petitioner.

 Mr. Vishal Malik, Deputy Advocate General, Haryana.

SANJIV BERRY, J.(ORAL)

1. Status report dated 23.01.2024 in the form of an affidavit of Deputy Superintendent of Police, Bawal, District Rewari, has been filed. The same is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.
2. By way of present petition filed under Section 439 Cr.P.C, the petitioner seeks regular bail in case FIR (Annexure P-2) as under: -

FIR No.	Dated	Sections	Police Station
196	28.05.2022	34, 341, 395, 365, 392, 120-B of IPC	Kasola, District Rewari, Haryana.

3. Learned counsel for the petitioner, *inter alia*, contends that the petitioner is innocent and has been falsely implicated in this case on the basis of disclosure statement of co-accused Bunty and Radhey Shayam. He submits that the petitioner is in custody since 03.09.2023 and the co-accused have already been granted concession of bail. He submits that the prosecution has cited 46 witnesses and only 3 witnesses have been

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examined till date and as such, the disposal of the case will take sufficient time. Hence, he prayed for grant of bail.

4. Per contra, learned State counsel, by referring to the reply submitted by the State, has prayed for dismissal of the bail application on the ground of heinous nature of the crime. He contends that although the petitioner was nominated in this case on the basis of disclosure statements made by co-accused Buntty and Radhey Shyam, consequent upon his arrest, Rs. 1,20,000/- were recovered from him and the petitioner is facing other criminal cases as well. Hence, prayed for dismissal of the bail application.

5. After considering the rival contentions and perusing the record, it transpires that the petitioner, having been nominated in this case on the basis of disclosure statement of co-accused, was arrested in this case on 03.09.2023 and thereafter, Rs.1,20,000/- were recovered from him. Admittedly, the challan has already been presented in Court and out of 46 witnesses cited by prosecution, only 03 witnesses have been examined till date. The co-accused have already been granted concession of bail. The conclusion of trial, to ascertain criminal liability of the petitioner, will take sufficient long time and no purpose will be served by detaining the petitioner in custody any more.

6. Consequently, without commenting on the merits of the case, 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

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country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

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

(SANJIV BERRY)
JUDGE

18.03.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |