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2024 : PHHC : 005534

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1347-2024

DECIDED ON: 16.01.2024

NASIM @ MUNNA

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Anil Kumar Malik, Advocate for the petitioner.

Mr. Gurbir Singh Dhillon, AAG Haryana.

* * *

SANDEEP MOUDGIL, J. (ORAL)

1. The jurisdiction of this Court has been invoked under Section 439 Cr.P.C., seeking regular bail to the petitioner in FIR No. 217 dated 21.06.2023, registered under Sections 323, 324, 506, 34 IPC (later on added Section 326 IPC), at Police Station Qilla, Panipat, District Panipat.

2. Learned counsel for the petitioner submits that the petitioner is in custody for more than 6 months and the case is triable by Magistrate. The investigation of the case is complete and charges have been framed and main witness stands examined in the instant case.

3. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. According to the custody certificate, the petitioner is behind bars for the last 6 months and 7 days and further submits that the investigation of the case is complete.

4. Keeping in view the abovestated facts and the custody undedrgone by the petitioner and the fact that the petitioner is not involved in any case of whatsoever nature, meaning thereby he is not a habitual

offender and conclusion of trial is likely to take long time as 4 witnesses still remains to be examined for which the petitioner cannot be detained behind the bars for indefinite period as would be violative of Article 21, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the Trial Court/Duty Magistrate, concerned.

5. The present petition is, hereby, allowed.

6. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

16.01.2024

Janki

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No