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

**CRM-M-38377-2024
Date of decision:-01.04.2025**

KULDEEP ALIAS SAGAR**... Petitioner****Versus****STATE OF HARYANA****... Respondent****CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.**

Present:- Mr. P.S. Sekhon, Advocate for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

SANJIV BERRY, J.(ORAL)

Learned State counsel has filed custody certificate dated 29.03.2025, the same is taken on record, copy thereof, has been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure, for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
29	30.01.2019	341, 365, 397, 506, 34 IPC, and 25 Arms Act	City Ratia, District Fatehabad

3. Arguments heard.

4. 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 contends that the petitioner was not named in the FIR but has been nominated



on the alleged disclosure statement of co-accused Mahipal, the petitioner has no concern with the allegations levelled in the FIR, nor he was involved in the said occurrence. He contends that even after the arrest of the petitioner on 23.11.2023 no recovery has been effected from him, so as to connect him with the commission of the alleged offence. He contends that after completion of investigation, challan has been presented in Court and the trial of the case is going on at snails pace, as only 5 witnesses out of 24 cited by the prosecution have been examined till date. He contends that the conclusion of trial will take sufficient long time, hence prayed for grant of concession of bail to the petitioner.

5. *Per contra*, learned State counsel referring to the reply submitted by the State has opposed the bail application by contending that considering the nature and gravity of offence petitioner is not entitled to concession of bail, hence prayed for dismissal of the bail petition.

6. After considering the rival contentions and perusing the record, it transpires that as per the version of the prosecution, the petitioner alongwith co-accused had robbed the victim of his car alongwith his mobile phone and later on sold the looted car to Salim from whom it was taken by the police. The petitioner was arrested on 23.11.2023 after being nominated in the case by co-accused Mahipal vide his disclosure statement (Annexure R-2). After completion of investigation, challan has already been presented in Court wherein prosecution has cited 24 witnesses and till date only 5 witnesses have been examined.

7. It is apparent from the perusal of record that the petitioner was not named in FIR, but it was only consequent upon his name being disclosed by



the co-accused Mahipal vide his disclosure statement (Annexure R-2) petitioner was arrested and admittedly no recovery has been effected from the petitioner in the present case. It is further not out of place to mention here that the co-accused Mahipal on whose disclosure statement petitioner was arrested has already been granted concession of bail vide order dated 31.10.2022 (Annexure P-3). The trial of the case is going at a snails pace and the conclusion thereof, to ascertain criminal liability, if any, of the petitioner will take sufficient long time and no purpose would be served by detaining the petitioner any longer in custody.

8. In these circumstances, 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 concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

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

10. Pending application(s) if any shall also stand disposed of.

(SANJIV BERRY)
JUDGE

01.04.2025

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